

**AGENDA**  
**EUCLID CITY COUNCIL MEETING**  
**TUESDAY, SEPTEMBER 2, 2014 AT 7:00 PM**  
**EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

**PERMISSIBLE PRELIMINARIES:**

**FIRST GAVEL**

**PLEDGE OF ALLEGIANCE**

**EUCLID CITY COUNCIL MEETING BUSINESS:**

**SECOND GAVEL**

**ROLL CALL OF MEMBERS**

**COMMUNICATIONS:** Liquor Permit: Mitchell's 24900 Euclid Ave., new D5

**COUNCIL MINUTES:** June 16, 2014

**ADMINISTRATION REPORTS & COMMUNICATIONS:**

**REPORTS & COMMITTEE MINUTES:** Police Dept. 2013 Annual Report  
Police Report April & May, 2014  
Financial Summary: 6/30/14 & 7/31/14  
Executive & Finance Min.: 6/11/14; 7/9/14  
Board of Control: 6/9/14; 6/16/14; 6/23/14;  
6/30/14; 7/7/14; 7/14/14; 7/21/14; 7/28/14; 8/4/14;  
8/11/14; 8/18/14.

**COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY**

**LEGISLATION**

1. An emergency ordinance authorizing the Director of Finance of the City of Euclid to renew a contract with New World Systems, Inc. to provide software support services to the City's financial, payroll, human resources, employee, and community development systems for a five-year period. (Sponsored by Council President Holzheimer Gail by request of Finance Director) (From Executive & Finance Committee with a recommendation for passage) Ord. (062a-14)

**Comment: The amended legislation would provide a 3 year agreement with New World and include an optional 2 year extension at a stated price. The service agreement provides for upgrades, technical support and licenses for numerous city software systems.**

2. An emergency ordinance authorizing the sale of Permanent Parcel Number 646-28-057, 1496 Dille Road, from the Euclid Land Bank, to Robert Gardner, Principal Kingdom Ventures LLC for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011. (Sponsored by Planning & Zoning Commission) ( Recommended for passage by Planning & Zoning Commission) Ord. (098-14)
3. An emergency ordinance adopting the City of Euclid Cuyahoga Housing Consortium HOME Commitment Plan dated September 2, 2014 (Attachment A) as permitted by the Cuyahoga Housing Consortium and authorizing the Mayor and/or his designee to take all actions necessary to obligate and expend the HOME funds in accordance with the Plan. (Sponsored by Mayor Cervenik) Ord. (104-14)

**Comment: \$150,420 will be allocated to the EDCOR administered down-payment assistance program from the 2013 Home Allocation.**

4. An ordinance amending section 923.02 of Part Nine, Streets, Utilities and Public Services Code, Title Three, Utilities, and adopting Appendix A-1, Pretreatment Regulations (2014) as well as the Industrial Pretreatment Enforcement Response Plan and Penalty Policy (2014). (Sponsored by Mayor Cervenik) Ord. (099-14)

**Comment: Pre-treatment regulations apply to industrial users and required by the NPDES permit issued by the Ohio EPA. The regulations were last updated in 2012.**

5. An ordinance authorizing a ground space lease with New Cingular Wireless, LLC (“New Cingular”), to install an auxiliary generator at the City-owned communications tower at Memorial Park (“Tower”). (Sponsored by Mayor Cervenik) Ord. (101-14)

**Comment: Ameritech approached the City to install an additional ground generator within the fenced tower area. The 40 square foot space does not impact any other carrier or use and the additional leased area would run with the current service term and any renewals.**

6. An ordinance amending Chapter 941 “Garbage and Rubbish Collection and Disposal” of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson McLaughlin by request of Service Director) Ord. (100-14)

**Comment: Chapter 941 was updated to reflect current collection methods.**

7. An emergency ordinance authorizing the Director of Public Service of the City of Euclid to renew the Service Agreement between the City of Euclid and Johnson Controls, Inc. for maintenance of chillers at the C.E. Orr Ice Arena for a period of one year commencing on August 1, 2014. (Sponsored by Councilperson McLaughlin by request of Service Director) Ord. (097-14)

**Comment: Johnson Controls has supplied the City with service, inspection and technical support at the CE Orr Ice Arena. The one year renewal would continue their service. Annual contract cost is \$26,770.**

8. An ordinance authorizing the purchase of a fee simple interest in, over, and upon certain real property within the City of Euclid and authorizing the Mayor to enter into a purchase agreement therefore, and declaring an emergency. (Sponsored by Mayor Cervenik) Tabled Last Meeting Ord. (039-14)

**Comment: Purchase of BP gas station site in wastewater plant construction zone would allow for more efficient use of equipment and improved construction performance. Environmental responsibilities have been clarified and a portion of the purchase price will be held in escrow to ensure site clean-up.**

9. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s), after advertising for bids, for the City’s requirements of Asphalt (Hot Mix/Cold Mix) for the years 2015 & 2016. (Sponsored by Councilperson McLaughlin by request of Service Director) Ord. (102-14)

**Comment: Materials are used for waterhole repairs and winter-time temporary roadway patching.**

10. An ordinance authorizing the Mayor of the City of Euclid to enter into an agreement with Landmark Dividend LLC (Landmark), El Segundo, Ca., that provides for a lump sum payment of \$575,000 in exchange for a seventy-five (75) year right to lease payments and access to the leases the City holds with T-Mobile Central LLC and New Par d/b/a Verizon Wireless on the communications facility located at 545 East 222<sup>nd</sup> Street, Euclid, OH 44123. (Sponsored by Mayor Cervenik) (Recommended for passage by Executive & Finance Committee)

Ord.  
(089-14)

**Comment: Law Department sought proposals from interested parties to acquire our interests in the two remaining cellular leases on the city owned tower. In an effort to maximize the present value to provide for Memorial Park improvements, a long term agreement is required. Landmark offered the highest pay-out of the two competing offers. The Law department has engaged Steel in the Air to review and advise on buy-out valuation.**

11. A Resolution adopting the rate of each tax necessary to be levied both inside and outside the ten-mill limitation, as certified by the Cuyahoga County Budget Commission. (Sponsored by Mayor Cervenik and Entire Council)

Res.  
(105-14)

**Comment: First step in establishing the 2015 tax budget.**

12. An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for the cutting of grass, weeds, trees and abating other nuisances such as garbage and debris as provided in Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Gorshe by request of Service Director)

Ord.  
(103-14)

**Comment: A total of 649 parcels at a charge of \$293,570 will be certified to the County Fiscal Office for inclusion on the tax duplicate. The total is nearly identical to 2013.**

13. An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for demolition, including the costs of asbestos assessment, abatement and monitoring of properties as provided in Chapter 1753 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Gorshe by request of Service Director)

Ord.  
(096-14)

**Comment: 7 residential structures not in the ownership of the City or County Land Bank were demolished and the charges unpaid at the time of the assessment. Last year, 11 parcels were included in the lien process.**

14. An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for criminal nuisance abatement as provided in Chapter 529 of the Codified Ordinances of the City of Euclid. (Sponsored by Councilperson Gorshe by request of Service Director)

Ord.  
(106-14)

**Comment: 6 parcels, assessed \$2200 in nuisance charges related criminal activity. No assessments were made in 2013.**

**COMMITTEE OF THE WHOLE – PUBLIC PORTION  
COUNCIL MEMBERS' COMMENTS  
ADJOURNMENT**

Ordinance No.

By – Council President Holzheimer Gail (by request)

An emergency ordinance authorizing the Director of Finance of the City of Euclid to renew a contract with New World Systems, Inc. to provide software support services to the City's financial, payroll, human resources, employee, and community development systems for a five-year period.

WHEREAS, New World Systems has provided computer-related services for the City of Euclid since 1991; and

WHEREAS, the current contract will expire in July 31, 2014, making this renewal necessary to the maintenance and service of software; and

WHEREAS, New World Systems services include upgrades/new releases of application packages and telephone support among other items; and

WHEREAS, the agreement includes a provision giving the City the option to cancel after a three year period with advance notice.

WHEREAS, the rate of increase per year for the first three years of the agreement is 3% and years four and five carry a 5% increase over the prior year; and

WHEREAS, the agreement includes a provision giving the City the option to cancel after a three year period with advance notice; and

WHEREAS, the support services and software licenses are necessary for the daily function of all city departments and the Council therefore finds this ordinance constitutes an emergency measure.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Finance is hereby authorized, empowered and directed to enter into a renewal of the contract with New World Systems, Inc. to provide software support services to the City's financial, payroll, human resources, employee, and community development systems.

Section 2: The cost for the period August 1, 2014 through July 31, 2015 is in the amount of \$69,758.00.

The cost for the period August 1, 2015 through July 31, 2016 is in the amount of \$71,850.00.

The cost for the period August 1, 2016 through July 31, 2017 is in the amount of \$74,005.00.

The cost for the period August 1, 2017 through July 31, 2018 is in the amount of \$77,705.00.

The cost for the period August 1, 2018 through July 31, 2019 is in the amount of \$81,590.00.

Section 3: Funds to pay for this expenditure are to be derived from the General Fund.

Section 4: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

**NEW WORLD SYSTEMS CORPORATION**  
**STANDARD SOFTWARE MAINTENANCE AGREEMENT**

This Standard Software Maintenance Agreement (SSMA) between **New World** Systems Corporation (New World) and **Euclid, OH (Customer)** sets forth the standard software maintenance support services provided by **New World**.

**1. Service Period**

This SSMA shall remain in effect for a period of five (5) years from (start date) 8/1/14 to (end date) 7/31/19.

**2. Services Include** The following services or features

are available under this SSMA:

- (a) Upgrades, including new releases, to the Licensed Standard Software (prior releases of Licensed Standard Software application packages are supported no longer than nine (9) months after a new release is announced by **New World**).
- (b) Temporary fixes to Licensed Standard Software (see paragraph 6 below).
- (c) Revisions to Licensed Documentation.
- (d) Reasonable telephone support for Licensed Standard Software on Monday through Friday from 8:00 a.m. to 8:00 p.m. (Eastern Time Zone).
- (e) Invitation to and participation in user group meetings.

Items a, b, and c above will be provided to **Customer** by electronic means.

Additional support services are available as requested by **Customer** using the then-current hourly rates or applicable fees.

**3. Maintenance for Modified Licensed Standard Software and Custom Software**

**Customer is advised that if it requests or makes changes or modifications to the Licensed Standard Software, these changes or modifications (no matter who makes them) make the modified Licensed Standard Software more difficult to maintain.** If **New World** agrees to provide maintenance support for

Custom Software or Licensed Standard Software modified at **Customer's** request, then the additional **New World** maintenance or support services provided shall be billed at the then-current hourly fees plus reasonable expenses.

**4. Billing**

Maintenance costs will be billed annually as detailed on the following page. If taxes are imposed, they are the responsibility of the **Customer** and will be remitted to **New World** upon being invoiced.

**5. Additions of Software to Maintenance Agreement**

Additional Licensed Standard Software licensed from **New World** will be added to the SSMA per the terms of the contract adding the software. Maintenance costs for the additional software will be billed to **Customer** on a pro rata basis for the remainder of the current maintenance year and on a full year basis thereafter.

**6. Requests for Software Correction on Licensed Standard Software**

At any time during the SSMA period, if **Customer** believes that the Licensed Standard Software does not conform to the current specifications set forth in the user manuals, **Customer** must notify **New World** in writing that there is a claimed defect and specify which feature and/or report **Customer** believes to be defective. Before any notice is sent to **New World**, it must be reviewed and approved by the **Customer** Liaison. Documented examples of the claimed defect must accompany each notice. **New World** will review the documented notice and when a feature or report does not conform to the published specifications, **New World** will provide

software correction service at no charge. A non-warranty request is handled as a billable Request for Service (RFS).

The no charge software correction service does not apply to any of the following:

- (a) situations where the Licensed Standard Software has been changed by anyone other than **New World** personnel;
- (b) situations where **Customer's** use or operations error causes incorrect information or reports to be generated; and;
- (c) requests that go beyond the scope of the specifications set forth in the current User Manuals.

**7. Maintenance Costs for Licensed Standard Software Packages Covered for .NET Server**

**New World** agrees to provide software maintenance at the costs listed below for the following **New World** Standard Software packages licensed by the **Customer**:

<u>Application Package</u>	<u>Number of Modules</u>
1. <b>Logos</b> ® Financial Management Suite	14
2. <b>Logos</b> ® Payroll & Human Resources Suite	6
3. <b>Logos</b> ® Community Development Suite	8
4. <b>Logos</b> ® eSuite	2

**ANNUAL  
MAINTENANCE COST: See Below**

<u>Period Covered</u>	<u>Annual Amount</u>	<u>Billing Date</u>
8/1/2014 to 7/31/2015	\$69,758	7/15/2014
8/1/2015 to 7/31/2016	\$71,850	7/15/2015
8/1/2016 to 7/31/2017	\$74,005	7/15/2016
8/1/2017 to 7/31/2018	\$77,705	7/15/2017
8/1/2018 to 7/31/2019	\$81,590	7/15/2018

**Note:** Unless extended by **New World**, the above costs are available for 90 days after submission of the costs to **Customer**. After 90 days, **New World** may change the costs.

**ALL INVOICES ARE DUE FIFTEEN (15) DAYS FROM BILLING DATE.**

**8. Non-funding Provision**

In the event **Customer** does not appropriate funds to complete payments due for year 4 or 5 under this SSMA, the amount due for the fiscal year not appropriated shall be terminated; provided, however, the **Customer** shall have given **New World** written notice ninety (90) days prior to the anniversary date of year 4 or year 5, when they are exercising the non-funding provision, and further provided that any other payments due to **New World** are fully paid, and further provided that **New World's** obligations and services under this SSMA shall also be terminated. Without **Customer's** fulfillment of the above provisions, **Customer's** obligation to pay **New World** the annual SSMA payments remains in effect through the expiration date of this SSMA **Agreement**.

**9. Terms and Conditions**

This Agreement is covered by the Terms and Conditions specified in the Licensing Agreement(s) for the software contained herein.

ACCEPTED BY:  
**Customer:** Euclid, OH

ACCEPTED BY:  
**New World Systems Corporation**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**By signing above, each of us agrees to the terms and conditions of this Agreement and as incorporated herein. Each individual signing represents that (s)he has the requisite authority to execute this Agreement on behalf of the organization for which (s)he represents and that all the necessary formalities have been met. If the individual is not so authorized then (s)he assumes personal liability for compliance under this Agreement.**

## **Euclid, OH**

Licensed Application Software

At April, 2014

### **1. Logos® Financial Management Suite**

- Financial Management Base Suite .NET
- General Ledger
- Budget Management
- Annual Budget Preparation
- Accounts Payable
- Revenue/Cash Receipting - Purchasing Base .NET
- Add'l FM Standard Users .NET
- Project Accounting .NET
- Government (GASB) Reporting .NET
- Financial Management Report Writer .NET
- Grant Management .NET - Asset Management .NET
- Misc. Billing & Receivables .NET
- Bank Reconciliation .NET

### **2. Logos® Payroll & Human Resources Suite**

- Human Resources Mgt. Base Suite .NET
- Base
- Payroll Processing
- Personnel Management
- Position Control
- Add'l HR Standard Users .NET
- HR/Payroll Report Writer .NET

### **3. Logos® Community Development Suite**

- Permits.NET
- Code Enforcement .NET
- CD Standard Users
- Requests for Services Tracking .NET
- Community Development Report Writer .NET
- Business Licensing .NET
- Municipal Inspections .NET
- Parcel Management .NET

### **4. Logos® eSuite**

- eSuite Base
- eEmployee

Ordinance No.

By – Planning and Zoning Commission

An emergency ordinance authorizing the sale of Permanent Parcel Number 646-28-057, 1496 Dille Road, from the Euclid Land Bank, to Robert Gardner, Principal Kingdom Ventures LLC for the amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance Nos. 98-2010 and 101-2011.

WHEREAS, Ordinance 98-2010, passed by Council on June 21, 2010 and amended by Ordinance 101-2011 on June 20, 2011, authorizes the sale of properties in the Euclid Land Bank for private use; and

WHEREAS, Kingdom Ventures, LLC owns the adjacent property, Permanent Parcel Number 646-28-058 and desires to purchase the 646-28-057 parcel for property expansion; and

WHEREAS, at its meeting on July 8, 2014 the Planning and Zoning Commission recommended approval of the sale of Permanent Parcel Number 646-28-057, 1496 Dille Road to Robert Gardner, Principal Kingdom Ventures LLC for an amount of One Thousand Dollars (\$1,000.00); and

WHEREAS, in accordance with the Euclid Land Bank Disposition Policies, in approving the sales price the Planning and Zoning Commission concurred with the pricing policies adopted in Ordinance 101-2011, which warrant a price below the Cuyahoga County Auditor’s market value; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and to allow the sale to be finalized in a timely manner.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the sale of Permanent Parcel Number, 646-28-057, 1496 Dille Road, from the Euclid Land Bank, to Kingdom Ventures LLC for an amount of One Thousand Dollars (\$1,000.00) as authorized by Ordinance No. 98-2010 and amended by Ordinance 101-2011 is hereby approved.

Section 3: That City Council approves the sales price adjustment below the Cuyahoga County Auditor’s market value due to area market conditions and based on pricing policies adopted in Ordinance 98-2010 and amended by Ordinance 101-2011.

Section 4: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor



Ordinance No.

By – Mayor Cervenik

An emergency ordinance adopting the City of Euclid Cuyahoga Housing Consortium HOME Commitment Plan dated September 2, 2014 (Attachment A) as permitted by the Cuyahoga Housing Consortium and authorizing the Mayor and/or his designee to take all actions necessary to obligate and expend the HOME funds in accordance with the Plan.

WHEREAS, the City of Euclid is a member of the Cuyahoga Housing Consortium and has entered into a Consortium Agreement authorized by Ordinance Number 78-2008 and amended by Ordinance Number 36-2011; and

WHEREAS, the Consortium Agreement allows the City to create programs for the use of HOME funds for eligible projects; and

WHEREAS, the City of Euclid Cuyahoga Housing Consortium HOME Commitment Plan is necessary in order to commit and expend funds granted through the 2013 Program Year entitlement allocation; and

WHEREAS, the City of Euclid Cuyahoga Housing Consortium HOME Commitment Plan is permitted by the Cuyahoga Housing Consortium as part of a comprehensive approach to addressing Euclid's housing needs; and

WHEREAS, the Euclid Development Corporation (EDCOR) was founded in 1977 to promote and encourage residential development and revitalization within the City of Euclid and for the general benefit of citizens and businesses in the City; and

WHEREAS, EDCOR developed the Down Payment Assistance Program in 2010 to provide low-interest, partially forgivable, downpayment assistance loans to eligible first-time home buyers; and

WHEREAS, the subject matter of this ordinance constitutes an emergency measure necessary for the immediate preservation of public peace, property, health, safety and the welfare of the City of Euclid and in order to allocate the available HOME funds to allow timely expenditure in accordance with HUD HOME Program guidelines.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio

Section 1: That the Council of the City of Euclid hereby adopts the City of Euclid Cuyahoga Housing Consortium HOME Commitment Plan dated September 2, 2014 (Attachment A) as approved by the Cuyahoga Housing Consortium.

Section 2: That the Mayor or his designee shall be authorized to take all actions and enter into all agreements necessary for the obligation and expenditure of the HOME funds in accordance with the City of Euclid Cuyahoga Housing Consortium HOME Commitment Plan (Attachment A) including agreements with Cuyahoga County and the Euclid Development Corporation (EDCOR). Such agreements shall be in a form approved by the Director of Law.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

**Attachment A**

**City of Euclid  
Cuyahoga Housing Consortium  
HOME Commitment Plan  
September 2, 2014**

**1. EUCLID DEVELOPMENT CORPORATION DOWN PAYMENT ASSISTANCE**

**PROGRAM:** Total: \$150,420.00

- a. Allocation of \$150,420.00 of \$156,437.00 from Euclid's 2013 HOME allocation.

**2. GRANT ADMINISTRATION:** Total: \$6,017.00

- a. Allocation of \$6,017.00 of eligible grant administration funds from Euclid's 2013 HOME allocation.

Ordinance No.

By – Mayor Cervenik

An ordinance amending section 923.02 of Part Nine, Streets, Utilities and Public Services Code, Title Three, Utilities, and adopting Appendix A-1, Pretreatment Regulations (2014) as well as the Industrial Pretreatment Enforcement Response Plan and Penalty Policy (2014).

WHEREAS, in compliance with Ohio Environmental Protection Agency standards section 923.02 of the Codified Ordinances of Euclid must be amended to include an updated Appendix A-1, Pretreatment Regulations (2014); and

WHEREAS, in compliance with Ohio Environmental Protection Agency standards section 923.02 of the Codified Ordinances of Euclid must be amended to include the updated Industrial Pretreatment Enforcement Response Plan and Penalty Policy (2014); and

WHEREAS, this amendment to section 923.02 would replace any reference to Appendix A-1, Pretreatment Regulation (2012) and the Industrial Pretreatment Enforcement Response Plan and Penalty Policy (2012).

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the amendments stated above be made to the Management; Pretreatment Regulations section of Part Nine, Streets, Utilities and Public Services Code, Title Three, Utilities, Title 3, Utilities, of the Euclid Codified Ordinances, to read:

**923.02 Management; Pretreatment Regulations**

The Service Director, shall manage, conduct and control the sewerage system and the sewage pumping treatment and disposal works of the City. He or she may make bylaws for the management and protection of the sewerage system and for the construction and use of connections to the sewerage system. Such bylaws and regulations shall have the same force and effect as ordinances, except that in cases of conflict the ordinances of the City as adopted by Council shall control, including, without limitation, the amended Pretreatment Regulations on file with the Clerk of Council and entitled "Appendix A-1, Pretreatment Regulation (2014), as well as the "Industrial Pretreatment Enforcement Response Plan and Penalty Policy 2014", which regulations are adopted and incorporated herein by reference.

Section 2: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

CODIFIED ORDINANCES OF CITY OF EUCLID

**APPENDIX A-1  
PRETREATMENT REGULATIONS (1991)**

The following Pretreatment Regulations are hereby adopted pursuant to Section 923.02 of the Codified Ordinances of the City of Euclid. Such Regulations in the final form attached hereto have been reviewed and approved by the Ohio Environmental Protection Agency.

City of Euclid

By: \_\_\_\_\_ Date: \_\_\_\_\_  
John A. Piscitello,  
Service Director

Attached to and adopted by Ordinance No. 272-1991, passed 11-04-91 and as “Appendix A-1, Pretreatment Regulations (1991)”; which regulations are adopted and incorporated in Section 923.02 of the Codified Ordinances by reference as provisions of such Section.

EUCLID INDUSTRIAL WASTEWATER PRETREATMENT ORDINANCE  
TABLE OF CONTENTS

	<u>Page</u>
<u>CHAPTER 1 – TITLE AND APPLICABILITY</u> . . . . .	<b>3</b>
<u>CHAPTER 2 – DEFINITIONS</u> . . . . .	<b>4</b>
<u>CHAPTER 3 – REGULATIONS</u> . . . . .	<b>15</b>
<u>CHAPTER 4 – FEES</u> . . . . .	<b>20</b>
<u>CHAPTER 5 – ADMINISTRATION</u> . . . . .	<b>20</b>
<u>CHAPTER 6 – ENFORCEMENT</u> . . . . .	<b>29</b>
<u>CHAPTER 7 – PENALTIES, COSTS AND DAMAGES</u> . . . . .	<b>33</b>
<u>CHAPTER 8 – RECORDS RETENTION</u> . . . . .	<b>36</b>
<u>CHAPTER 9 – MISCELLANEOUS</u> . . . . .	<b>36</b>

## **CHAPTER 1 – TITLE AND APPLICABILITY**

### **Section 2.0101**

Title and Distribution – This Title of the Code of Regulations of the City of Euclid shall be known as the Pretreatment Regulations of the Euclid Sewer District and may be separately printed and distributed.

### **Section 2.0102**

Applicability – This Title of the Code of Regulations of the Euclid Sewer District is applicable to all Industrial Users of the public sewer system whether the industry is classified as a categorical, or a non-categorical Industrial User.

### **Section 2.0103**

Purpose and Policy – These regulations set forth uniform requirements for Discharges into the District’s wastewater collection and treatment system, and enable the District to protect public health in conformity with all applicable, local, State and Federal laws relating thereto.

The object of these regulations is:

1. To satisfy the State and Federal requirements that the Sewer District develop and implement an industrial waste control program in compliance with the Clean Water Act of 1977 and General Pretreatment Regulations for New and Existing Sources. 40 CFR Part 403;
2. To prevent the introduction of pollutants into the District Wastewater System which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
3. To prevent the introduction of pollutants into the District’s Wastewater System which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
4. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
5. To enforce the Euclid Pretreatment Program as described in the Final Pre treatment Program submitted to Ohio EPA in 1989 as amended.

These regulations provide for the regulation of discharges into the District’s Wastewater System and shall be effective to the extent not in conflict with the Codified Ordinance of the City of Euclid. When the regulation of this Code conflicts with other administrative regulations, the more stringent of the regulations shall be controlling.

## **CHAPTER 2 – DEFINITIONS**

### **Section 2.0201**

“Act” – shall mean the Clean Water Act (33 U.S.C. 1251 *et. seq.* as amended).

### **Section 2.0202**

“Applicable Pretreatment Standard” – Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in these regulations deemed to be the most restrictive which Industrial Users will be required to comply with.

### **Section 2.0203**

RESERVED

**Section 2.0204**

“Authorized Representative of Industrial User” – Shall mean:

1. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or
3. A general partner or proprietor if the Industrial User is a partnership or sole proprietorship respectively;
4. A duly authorized representative of the individual designated in paragraph (1), (2) or (3) of this section if:
  - a. The authorization is made in writing by the individual described in paragraph (1), (2) or (3);
  - b. The authorization specified either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Waste originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - c. The written authorization is submitted to the District.

**Section 2.0205**

“Average Monthly Discharge Limitation” – The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all daily discharges, measured during the calendar month divided by the number of daily discharges measured during the month.

**Section 2.0206**

“Beneficial Uses” – These uses shall mean but not be limited to, domestic, municipal, agricultural and industrial use, power generation recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or preserves, and other users, both tangible or intangible as specified by state or federal law.

**Section 2.0207**

“Best Management Practice (BMPs)” – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

**Section 2.0208**

“Categorical Pretreatment Standard” - Shall mean the standards and/or other requirements promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1251 *et seq.*) which applies to a specific category of Industrial Users specifying quantities

or concentrations of pollutants or pollutant properties which may be discharged or introduced into the sewerage system by specific industrial discharges.

**Section 2.0209**

“Composite Sample” – A sample of wastewater which should contain a minimum of eight discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater is highly variable.

**Section 2.0210**

“Daily Discharge” – Discharge of a pollutant measured during a calendar day or any 24 hour period that reasonably represents the calendar day for purposes of sampling.

**Section 2.0211**

“Director” – Shall mean the Public Service Director.

**Section 2.0212**

“Discharge” – Shall mean any liquid, solids, or gas flowing out of any domestic, commercial, or industrial establishment.

**Section 2.0212a**

“Discharger” – Same as Industrial User.

**Section 2.0213**

“District” – Shall mean the City of Euclid, its officers and employees.

**Section 2.0214**

“Easement” – An acquired legal right of the specific use of land owned by others.

**Section 2.0215**

“Effluent” – Shall mean sewage, water or other liquid after some degree of treatment, flowing out of any treatment device or facility.

**Section 2.0216**

RESERVED

**Section 2.0217**

“Garbage” – Any solid waste from the preparation, cooking, or dispensing of food and from handling, storage, or sale of produce.

**Section 2.0218**

“Ground Garbage” – Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half ( $\frac{1}{2}$ ) inch in dimension.

**Section 2.0219**

“Grab Sample” – A sample which is taken from a waste stream on a one time basis with no regard to the flow in the waste stream and without consideration of time.



## **Section 2.0220**

“Industrial User” – Any Industrial or commercial establishment, manufacturing or processing facility that discharges industrial waste to a sewerage facility.

## **Section 2.0221**

“Industrial Waste” – Shall mean any liquid, solid, or gaseous substance or form of energy, or combination thereof, resulting from any process of industrial, commercial, governmental, and institutional concerns, manufacturing, business, trades, or research, including the development, recovery, or processing of natural resources.

## **Section 2.0222**

“Indirect Discharge” – The discharge or the introduction of non-domestic pollutant from a source regulated under Section 307(b) or (c) of the Act.

## **Section 2.0223**

“Influent” – Shall mean water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

## **Section 2.0224**

“Interference” – Means a discharge which alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment processes, or operations, or its sludge processes, use or disposal, and;
2. Therefore is a cause of a violation of any requirement of the District’s NPDES Permit (including an increase in the magnitude or duration of a violation) or contributes to the prevention of sewage sludge use or disposal in accordance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of SWDA, the Clean Air Act, and the Toxic Substances Control Act and the Marine Protection, Research and Sanctuaries Act.

## **Section 2.0225**

“Laboratory Determination” – Shall mean the measurements, tests, and analyses of the characteristics of waters and wastes in accordance with the provisions of 40 CFR Part 136-Guidelines Establishing Test Procedures for the Analyses of Pollutants. These methods are contained in the latest edition of these publications:

1. Standard Methods for Examination of Water and Wastewater, a joint publication of the American Public Health.
2. ASTM – “Annual Book of Standards, Part 23, Water, Atmospheric Analyses, 1974”, a publication of the American Society for Testing Materials:
3. EPA Methods – Which means “Methods for Chemical Analyses of Water and Wastes”, a publication of the U.S. Environmental Protection Agency; or in accordance with any other equivalent method prescribed by the Director.

## **Section 2.0226**

“Significant Industrial User” means:

1. Except as provided in paragraph 2 of this Section, the term Significant Industrial User includes:
  - a. All industrial users subject to categorical pretreatment standards; and
  - b. Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW; contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or has a reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.
2. The Director may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a non-categorical industrial user is not a Significant Industrial User if the industrial user has no reasonable potential to adversely affect the POTW's operation or for violating any pretreatment standard or requirement.

**Section 2.0226a**

“Non-significant Industrial User” – Means a commercial or industrial establishment that is not a Significant Industrial User.

**Section 2.0227**

“Maximum Daily Discharge Limitations” – Highest allowable daily discharge.

**Section 2.0228**

“May” – Indicates a discretionary condition.

**Section 2.0229**

“mg/l” – Shall mean milligrams per liter.

**Section 2.0230**

RESERVED.

**Section 2.0231**

“New Source”: Shall mean:

1. Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
  - a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (2.0230) (1)(a) or (2.0230) (1)(b) of this Section but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - a. Begun, or caused to begin as part of a continuous onsite construction program:
    - (1) Any placement, assembly, or installation of facilities or equipment; or
    - (2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - b. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

#### **Section 2.0232**

“NPDES Permit” – Shall mean the National Pollutant Discharge Elimination System permit setting for which sets conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

#### **Section 2.0232a**

“Passthrough” – shall mean a Discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation or any requirement of the POTW’s NPDES permit, including an increase in the magnitude or duration of a violation.

#### **Section 2.0233**

“Person” – Shall mean any or all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Ohio, the United States of America, or other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the plural and female as indicated by the context.

#### **Section 2.0234**

“Pollution” – Shall mean an alteration of the Waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses of facilities which serve such

beneficial uses. The man made or man induced alteration of the chemical, physical, biological, and radiological integrity of water.

## Section 2.0235

“Pollution Parameters” – Shall include but not be limited to:

1. Biochemical Oxygen Demand (BOD) – Shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Centigrade. The laboratory determination shall be made in accordance with procedures set forth in “Standard Methods”.
2. Chemical Oxygen Demand (COD) – Shall mean a measure of the oxygen equivalent of that portion of the organic material in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be in accordance with procedures set forth in “Standard Methods”.
3. Fecal Coliform – Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
4. Floatable Oil – Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.
5. Grease and Oil – A group of substances including hydrocarbons, fatty acids, soups, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with procedures set forth in “Standard Methods” and 40 CFR 136.
6. Grease and Oil of Animal and Vegetable Origin – Shall mean substances that are more readily biodegradable in nature such as are discharged by meat packing, vegetable oil and fat companies, food processors, canneries and restaurants.
7. Grease and Oil of Mineral Origin – Shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refining wastes and storage depot wastes.
8. pH – Shall mean logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
9. Suspended Solids – Shall mean solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in “Standard Methods”.
10. Total Solids – The sum of suspended and dissolved solids.
11. Volatile Organic Matter – The material in the sewage solids transforms to gases or vapors when heated at 550° Centigrade for 15 to 20 minutes.

## Section 2.0236

“Pretreatment” – Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants to the public sewer system.

**Section 2.0237**

“Pretreatment Facility” – Shall mean structures, devices or equipment for the purpose of removing deleterious waste from sewage generated from a premises prior to its discharge into the public sewer system.

**Section 2.0238**

“Receiving Stream” – The watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.

**Section 2.0239**

“POTW”: Publicly Owned Treatment Works – Shall mean the waste water disposal and treatment plant facilities and the sludge burning and disposal facility owned by the City of Euclid.

**Section 2.0240**

“Sewage” – Shall mean a combination of the water carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other wastes as may be present.

**Section 2.0241**

“Sewer” – Shall mean any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.

**Section 2.0242**

“Shall” – Is mandatory, “may” is permissive.

**Section 2.0243**

“Sludge” – Shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in the standards issued under 402, 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 or the Solid Waste Disposal Act PL-94-580.

**Section 2.0244**

“Standard Industrial Classification (SIC)” – Shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**Section 2.0245**

“System” – Shall mean the sewer system of the Euclid Sewer District including all treatment and disposal facilities i.e., the “POTW”, interceptor sewers owned and operated by the District and all sewage collection systems and all other appurtenances connected thereto.

**Section 2.0246**

“Toxic Substance” – Shall mean any substance whether gaseous, liquid or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, or to constitute a hazard to human beings or animals, or to inhibit aquatic life or create a hazard to recreation in receiving waters of the effluent from the sewage treatment plant, or substances listed in the Federal Regulations promulgated pursuant to Section 307 of the Clean Water Act.

#### **Section 2.0247**

“Unpolluted Water” – means water discharged in its original state or water discharged after use for any purpose, is at least equal chemically, physically, and biologically, to the water from its original source, i.e. potable water, groundwater, river and stream water.

#### **Section 2.0248**

“Upset” – An exceptional incident in which a Discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in the applicable pretreatment requirements due to factors beyond the reasonable control of the Discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation thereof.

#### **Section 2.0249**

“User” – Any person that discharges, causes, or permits the discharge of wastewater into the system.

#### **Section 2.0250**

“Wastewater Constituents and Characteristics” – The individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality, quantity and strength of wastewater.

#### **Section 2.0251**

“Wastewater Discharge Permits” – Wastewater discharge permits, as used in these regulations, shall mean the permit required by Section 923.05 of the Codified Ordinances of the City of Euclid.

#### **Section 2.0252**

“Watercourse” – A channel in which a flow of water occurs either continuously or intermittently.

#### **Section 2.0253**

“Slugload” – Shall mean either:

1. Any discharge of water, sewage or industrial waste in which concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than three (3) times the Average Monthly Discharge Limitation as stated in a Permit issued by the District or the normal background concentration from that Discharge, whichever is less stringent; or:
2. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a single extraordinary discharge episode of such volume or strength as to cause interference to the System.

## CHAPTER 3 – REGULATIONS

### Section 2.0301

#### General Discharge Prohibitions

No Discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described discharges into the wastewater disposal system or otherwise to the facilities of the Euclid Regional Sewer District:

1. Any liquids, solids or gases which are, or may be, sufficient either alone or by interaction, to cause or to create a fire or explosion hazard in or otherwise be injurious in any other way to the System and/or its operation, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.
2. Solid or viscous discharges which will or may cause obstruction to the flow in a sewer or other interference with the operation of the System.
3. Any wastewater having a pH less than 6.0 or higher than 11 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the System.
4. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into sewers for their maintenance and repair.
5. Any discharge which may cause the sewage treatment plant's treatment residues, sludges, or scums to be unsuitable for reclamation and reuse or disposal or to interfere with the reclamation or disposal process in use or contemplated for use.
6. Any discharge which will cause the POTW and/or any and all other District's facilities to violate its NPDES and/or other Disposal System Permits.
7. Any discharge with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
8. Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in interference; but in no case, wastewater with a temperature at the introduction into the System which exceeds 40° C (104° F).
9. Any slugload.
10. Any unpolluted water including, but not limited to non-contact cooling water in areas of the District serviced by separate storm and sanitary sewers.
11. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceed limits established in compliance with applicable state or federal regulations.
12. Discharges of petroleum oil, non-biodegradable cutting oil or products of mineral oil origin in amounts which can cause or result in Passthrough and/or Inference.
13. Any discharge which results in the presence of toxic gases, vapors or fumes within the System in a quantity that may cause acute worker health and safety problems.
14. Any discharge of trucked or hauled pollutants, including industrial and septic wastes, into any location of the System at any time.

15. Any wastewater which causes a hazard to human life or creates a public nuisance.
16. Any discharge that causes or contributes to interference or passthrough of the treatment plant.

Unacceptable discharges shall include those which have been determined by the Director to:

1. Contain materials or discharges which would constitute a hazard to life and limb of personnel engaged in inspection, maintenance and operation of the System.
2. Contain materials or discharges which are toxic as defined in Section 2.0245 of this Code.
3. Contain materials or discharges which are in any way deleterious to any part of the System.
4. Contain concentrations of any toxic or deleterious materials or discharges in excess of any limits set thereon in accordance with this Code.
5. Cause the District to incur additional operating expenses in the handling or treatment thereof.
6. Be incompatible with the treatment process or inhibit the performance of the treatment process at a District treatment or disposal facility.
7. Be of such volume or contain such BOD, suspended solids, or other material load which would cause the POTW to exceed its design capabilities.
8. Cause a treatment facility of the District to fail to meet effluent requirements set by state and federal regulatory agencies or cause such effluent to have a degrading effect on the receiving body of water.
9. Contain viable pathogenic organisms in such quantities as to be a hazard to public health.
10. Cause a treatment or disposal facility of the District to fail to meet effluent requirements as established under the District's NPDES Permit.

## **Section 2.0302**

### Categorical Pretreatment Standards

Categorical Pretreatment Standards shall be met by all Dischargers of the regulated industrial categories.

## **Section 2.0303**

### Right of Revision

The District reserves the right to amend this Regulation to provide for additional and/or more stringent limitations or other requirements on discharges into the System and any and all other District's facilities where deemed necessary to comply with the objectives set forth in Section 2.0102 of these Regulations or to assure compliance by the District with applicable laws and regulations.

## **Section 2.0304**

### Dilution



No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Regulation.

### **Section 2.0305**

#### Supplementary Limitations

1. No person shall discharge or cause or allow to be discharged into the Public Sewer wastes which contain any of the following Pollutants unless the person is issued a wastewater discharge permit by the City which allows the discharge of such Pollutants. In the absence of such specific wastewater discharge permit conditions, no person shall discharge any of the following pollutants, except as such pollutants may occur, and only in the concentrations such pollutants may occur, in the water supplied to the premises. Discharge of any pollutants allowed by permit shall not exceed the following Maximum Daily Discharge Limitations.

<u>Material</u>	<u>Concentration (mg/1)</u>
Cadmium	0.5128
Chromium	0.821
Copper	1.234
Lead	0.3098
Mercury	0.0026
Nickel	0.387
Zinc	3.45

2. Any water or waste containing cyanide amenable to chlorination in excess of 2 mg/1 any water or waste containing total cyanide in excess of 10 mg/1.

3. Violations of paragraphs 1 and 2 above shall be enforced and penalties pursued and imposed in the same manner and using those procedures contained in Chapter 6 herein.

### **Section 2.0306**

#### Mass Limitations

The District may impose mass limitations on dischargers which are suspected of using dilution to meet the Pretreatment Standards or Requirements of this Regulation, or in other cases where the imposition of mass limitations is deemed appropriate by the District.

### **Section 2.0307**

#### Accidental Discharges

Each Discharger shall provide protection from accidental discharge of prohibited or regulated materials or discharges established by this Regulation. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review, and shall be approved by the District before construction of the facility. Each existing Discharger shall complete its plan and submit same to the District by January 1, 1990. No Discharger who discharges to the District after the aforesaid date shall be permitted to introduce pollutants into the system until Accidental Discharge Protection Procedures have been approved by the District. Review and approval of such plans and operating procedures by the District shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Regulation. Dischargers shall notify the District immediately upon the occurrence of a "slugload", or accidental discharge prohibited by this Regulation. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slugload or accidental discharge of prohibited materials shall be liable for any expense, loss or damage to the District. In addition to the amount of any fines imposed on the District on account thereof under State or Federal law. Signs shall be

permanently posted in conspicuous places on Discharger's premises, advising employees whom to call in the event of a slugload or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedure.

## **CHAPTER 4 – FEES**

### **Section 2.0401**

#### **Purpose**

It is the purpose of this chapter to provide for the payment of fees from Dischargers to the District's waste water treatment and disposal system, to compensate the District for the cost of administration of the pretreatment program established herein.

### **Section 2.0402**

#### **Charges and Fees**

The District shall adopt charges and fees to be presented to the Council of the City of Euclid which may include:

1. Fees for monitoring, inspections and surveillance procedures;
2. Fees for permit and permit applications;
3. Fees for filing appeals;
4. Fees for reviewing accidental discharge procedures and construction.
5. Fees for review of proposed pretreatment facilities.

## **CHAPTER 5 – ADMINISTRATION**

### **Section 2.0501**

#### **Wastewater Dischargers**

1. It shall be unlawful to discharge sewage, industrial wastes or other wastes without a Permit issued by the District into any sewer within the jurisdiction of the District, and/or into the System, the POTW and any and all other District's facilities without a Permit issued by the District and without first having complied with the terms of this Code. Wastewater discharge permits shall be conditioned upon the holders compliance with any additional pretreatment, additional operation and maintenance requirements, and schedules of compliance, including but not limited to, the use of Best Management Practices based on Pretreatment Standards or Local Limits as approved by the Director under Section 2.0502 and 2.0506 of this Code.
2. New sources shall install and have in operating condition, and shall "start- up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to Discharge. Within the shortest feasible time (not to exceed 90 days). New sources must meet all applicable Pretreatment Standards.
3. Wastewater Pretreatment Discharge Permits shall be expressly subject to all provisions of this Regulation and all other applicable regulation. User charges and fees established by the City of Euclid. Permits shall, to the extent applicable, contain the following, at a minimum:
  - a. The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;

- b. Limits on the wastewater constituents and characteristics;
  - c. Limits on average and maximum wastewater discharge or requirements for flow regulations and equalization;
  - d. Requirements for installation and maintenance of inspection and sampling facilities;
  - e. Compliance schedules, if applicable;
  - f. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
  - g. Requirements for submission of technical reports or discharge reports;
  - h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the District, and affording District access thereto;
  - i. Requirements for notification of slug discharges;
  - j. Other conditions as deemed appropriate by the District to ensure compliance with this Regulation.
4. Wastewater Discharge Permits are issued to a specific person for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new person, different premises, or a new or changed operation without the approval of the Director.

## **Section 2.0502**

### Baseline Report Form

1. All Industrial Users shall complete and file with the District a baseline report in the forms provided therefore, upon request of the District, Industries regulated under the Categorical Pretreatment Standards shall submit this baseline report to the District within 180 days after the promulgation of their respective categorical standards as required by 40 CFR Part 403. At least 90 days prior to commencement of discharge. New Sources, and Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the District a report which contains the information listed in this section. In addition, any discharger operating on the basis of a previous filing of a baseline report, shall submit to the District within 180 days after the promulgation of an applicable Categorical Pretreatment Standard, the additional information required by paragraphs 8 and 9 of Section 2.0503. Any changes or new conditions in these regulations shall include a reasonable time schedule for compliance.
2. The baseline report to be made by the Discharger shall be made on written forms and shall cover:
  - a. Disclosure of name, address and location of the Discharger;
  - b. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
  - c. Disclosure of wastewater constituents and characteristics including but not limited to those mentioned in these Regulations, as

determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed as described in Section 2.0506a of this Code;

- d. Disclosure of time and duration of dischargers;
- e. Disclosure of average daily wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any;
- f. Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;
- g. Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the District's facilities. New Sources shall provide information on the method of pretreatment the source intends to use to meet applicable pretreatment standards; these methods shall include, but not be limited to, any BMP-based categorical Pretreatment Standards or Local Limits.
- h. Disclosure of the nature and concentration of any pollutants or materials prohibited by these Regulations in the discharge, together with a statement regarding whether or not compliance is being achieved with these regulations on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with these regulations;
- i. Where additional pretreatment and/or operation and maintenance activities will be required to comply with these Regulations, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.
  - i. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Discharger to to comply with the requirements of these regulations including, but not limited to dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, and all other acts necessary to achieve compliance with these regulations.
  - ii Under no circumstances shall the District permit a time increment for any single step directed toward compliance which exceeds 9 months.
  - iii Not later than 14 days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the District including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone dated and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the Discharger to return the construction to the approved schedule. In no event shall

more than 9 months elapse between such progress reports to the District.

- j. Disclosure of each product by type, amount, process or processes and rate of production;
- k. Disclosure of the type and amount of raw materials utilized (average and maximum per day);

The District will evaluate the complete baseline report and data furnished by the Discharger and may require additional information. Within a reasonable time after full evaluation and acceptance of the data furnished, the District shall notify the Discharger of the District acceptance thereof.

### **Section 2.0503**

#### Hazardous Waste Notification Requirements

All Industrial Users shall promptly notify the Director in advance of any substantial changes in the volume or character of Pollutants in their Discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification above as required by 40 CFR 403.12 (p).

Failure to comply with this notification requirement shall be a violation of this Regulation and enforcement thereof and penalties therefore may be pursued and imposed in the same manner and using those procedures contained in Chapter 6 herein.

### **Section 2.0504**

#### Standards Modification

All Categorical Pretreatment Standards presently in effect as hereafter added or amended are hereby adopted by reference by the District as part of these regulations.

### **Section 2.0505**

#### Compliance Date Report

Within 90 days following the date for final compliance by the Discharger with applicable Pretreatment Standards set forth in these Regulations or 90 days following commencement of the introduction of wastewater into the District facilities by a New Discharger, any Discharger subject to these Regulations shall submit to the District a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the Discharger into compliance with the applicable Pretreatment Standards or Requirements.

### **Section 2.0506**

#### Periodic Compliance Reports

1. Any Industrial User either a) subject to a Pretreatment Standard or b) considered to be a Major Contributor shall submit to the District during the months of June and December, unless required more frequently by the District, a report indicating the nature and concentration of prohibited or regulated substance in the effluent which are required by the Wastewater Discharge Permit. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows shall be reported on the basis of actual measurement provided, however, where cost of feasibility conditions justify the District may accept reports of average and maximum flows estimated by verifiable techniques. The District for good cause shown considering factors as local such high or low flow rates, holidays, budget cycles, or other extenuating factors

may authorize the submission of said reports on months other than those specified above. Where required by the Wastewater Discharge Permit the report shall include production and operating data.

2. All Significant Industrial Users shall submit to the Director periodic self-monitoring reports at least once every six (6) months beginning within six (6) months after Permit issuance or initial Discharge into the system whichever occurs first.

## **Section 2.0506a**

### Monitoring and Analysis

Any Sampling or analysis done as part of the reports required in Sections 2.0502, 2.0503, 2.0505 or 2.0506 of this Code shall be performed as follows:

1. A minimum of four (4) grab samples, with the test results averaged, must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The District may waive flow proportional composite sampling for any Industrial User that demonstrates that flow proportional sampling is infeasible. In such cases, samplings may be obtained through time-proportional composite sampling techniques or through a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged.
2. The Industrial User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this Section.
3. If sampling performed by the Industrial User indicates a violation, the user shall notify the District within 24 hours of becoming aware of the violation. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the District within 30 days after becoming aware of the violation whether the violation is detected by sampling performed by the Industrial user or District personnel.
4. Reports of Dischargers shall contain all results of sampling and analysis of the discharge, including the flow, the type of sample and the nature and concentration, or production and mass where required by the District. The frequency of monitoring by the Discharger shall be as prescribed in the Wastewater Discharge Permit. All analysis shall be performed in accordance with 40 CFR, Part 136 and amendments thereto. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication. All procedures shall include, but not be limited to, BMP-based categorical Pretreatment Standards or Local Limits. Sampling and analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Director.
5. If an Industrial User subject to the reporting requirement in Section 2.0502, 2.0503, 2.0505 and/or 2.0506 monitors any pollutant more frequently than required by the District, using the procedures prescribed in Section 2.0506a, the results of this monitoring shall be included in the report.

## **Section 2.0506b**

### Signatory Requirements

Any reports required in Sections 2.0502, 2.0503, 2.0505 or 2.0506 of this Code shall include the certification statement as follows:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Furthermore, all reports shall be signed by an Authorized Representative of the Industrial User. If an authorization under Section 2.0204 is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements Section 2.0204 must be submitted to the District prior to or together with any reports to be signed by an authorized representative.

### **Section 2.0507**

#### Inspection and Sampling; Inspection Chambers May be Required

All sewers shall have an inspection and sampling manhole or structure with an opening sufficient to permit accurate sampling and gauging of the wastewater flow, to assure compliance with these Regulations.

The District may inspect the facilities and the process and operation records of any Discharger to determine compliance with the requirements of these regulations. The Discharger shall allow the District or its representatives, upon presentation of credentials of identification, access to all process and operation documents and to enter upon the premises of the Discharger at all reasonable hours for the purposes of inspection, sampling, or records examination. The District shall have the right to set up on the Discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. The Director shall, at all times, have free access to the premises and process and operation records of any User, and free access to the premises and process and operation records of any person reasonably believed by the Director to be a User or possible User, for the purpose of inspecting, sampling, or testing the discharge emanating therefrom, or any discharge which may emanate therefrom in order to determine whether such discharge, or potential discharge is acceptable or unacceptable to the District. Where necessary, the Director may require the owner of any premises which discharges to the System to install a suitable inspection chamber together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the discharge, or potential discharge. Such chambers, when required, shall be constructed in accordance with plans approved by the Director. The chamber shall be installed at the owner's expense and shall be maintained by him so as to be safe and accessible at all times.

### **Section 2.0508**

#### Confidential Information

Information and data furnished to the District with respect to the nature and frequency of discharge shall be available to the public without restriction, unless the Discharger demonstrates that release of such information would divulge information entitled to protection as trade secrets or proprietary information. Wastewater constituents and characteristics will not be recognized as confidential information. Information accepted by the District as confidential, shall not be transmitted to any governmental agency until and unless a ten (10) day notification is given to the Discharger.

No permit holder shall have a claim against the City of Euclid for release of any information as a condition of continuance of their permit.

## Section 2.0509

### Bypass

#### 1. Definitions:

- a. Bypass – means the intentional diversion of waste streams from any portion of an Industrial User’s treatment facility.
- b. Severe property damage – means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

#### 2. Bypass not violating applicable Pretreatment Standards or Requirements.

An Industrial User may allow any bypass to occur which does not cause an Applicable Pretreatment Standard to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraph (4) of this Section,

#### 3. Notice

- a. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the District at least ten days before the date of the bypass.
- b. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the District within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue, and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

#### 4. Prohibition of bypass

- a. Bypass is prohibited, and the District may take enforcement action against an Industrial User for a bypass, unless:
  - 1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - 2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during the normal periods of equipment downtime or preventative maintenance; and



- b. The District may approve an anticipated bypass, after considering its adverse effects, if the District determines that it will meet the two conditions listed in paragraph (4a) of this Section.

### **Section 2.0510**

#### Notification of Change in Discharge Characteristics

All Industrial Users shall give the District at least 30 days in advance prior to any change in the discharge characteristics, as well as any changes at its facility affecting the potential for a slug discharge, thereby allowing the POTW to reevaluate the need for a modification to the slug control plan.

## **CHAPTER 6 – ENFORCEMENT**

### **Section 2.0601**

#### Emergency Suspension of Service and Discharge Permits

The District, by and through its Director, or other duly authorized representative, may, for good cause shown, suspend the wastewater and/or disposal treatment service and the Wastewater Discharge Permit of a Discharger when it appears that actual or threatened discharge presents or may present an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of the POTW, or violate any pretreatment limits imposed by this regulation or any Wastewater Discharge Permit issued pursuant to this Regulation. Written notice of such suspension shall be served upon this Discharger by personal service. Any Discharger so notified of the suspension of the District's wastewater treatment service and/or the Discharger's Wastewater Discharge Permit, shall, within a reasonable period of time as determined by the District, cease all discharges. In the event the Discharger fails to comply voluntarily with the suspension notice within the time specified therein, the District shall, without further notice to the Discharger and without the scheduling of a show cause hearing, immediately commence judicial proceedings to compel the Discharger's compliance with such suspension notice and to exact civil penalties, if any, which may be due for or as a result of the Discharger's noncompliance. The District may reinstate the Wastewater Discharge Permit and/or the wastewater and/or disposal treatment service and terminate any judicial proceedings pending upon submission of written proof by the Discharger that it has eliminated the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

### **Section 2.602**

#### Revocation of Permit and/or Termination of Treatment/Disposal Services

The District, by and through its Director or other duly authorized representative, may revoke the permit or seek to terminate the wastewater treatment and/or disposal services to any Discharger which fails to:

1. Report the wastewater constituents and characteristics of its discharge;
2. Report significant changes in wastewater constituents or characteristics;
3. Allow reasonable access to the Discharger's premises or records by representatives of the District for the purpose of inspection or monitoring as required in Section 2.0507 of this code; or
4. Comply with the conditions of its Wastewater Discharge Permit, or this Regulation, or any final administrative or judicial order entered with respect thereto.
5. Pay any fines or fees levied pursuant to Section 2.0701, or 2.0402, within 30 days of receipt.

### **Section 2.0603**

#### Notification of Violation – Administrative Adjustment

Whenever the District, by and through its Director or other duly authorized representative, finds that any Discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit or termination of treatment and/or disposal services, pursuant to Section 2.0602 hereof, the District shall serve or cause to be served upon such Discharger, a written notice either personally or by certified mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the Discharger shall respond personally or in writing to the Director or other duly authorized representative who caused such notice to be served, and shall thereby advise the District of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and, where necessary, establish a plan for the satisfactory correction thereof.

### **Section 2.0604**

#### Show Cause Hearing

Where the violation of any requirement of this Regulation is not corrected by timely compliance voluntarily or by means of Administrative Adjustment, pursuant to Section 2.0603 hereof, the District, by and through its Director or other duly authorized representative, may order the Discharger to show cause before the Director of Public Service or his duly authorized representative, why the proposed permit revocation and/or service termination action should not be taken. A written notice shall be served on the Discharger by personal service, or certified mail, return receipt requested, specifying the time and place of the hearing to be held regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Discharger to show cause why the proposed enforcement action should not be taken. The notice of hearing shall be served no less than ten (10) days before the hearing. Service may be made on any agent, officer, or authorized representative of a Discharger. The proceedings at the hearing shall be considered by the District, by and through its Director or other duly authorized representative, who shall then enter appropriate orders with respect to the alleged improper activities of the Discharger. Appeal of such orders may be taken by the Discharger in accordance with Section 2.0607. If no such appeal is taken, the District may seek enforcement of its order by judicial proceeding as herein provided.

### **Section 2.0605**

#### Judicial Proceedings

The Law Director or other duly authorized attorney for the District may commence civil proceedings in the appropriate local court seeking appropriate legal and/or equitable relief against any Discharger who fails to comply with any final administrative order issued pursuant to either Section 2.0604 or Section 2.0607(2) hereof, or with any suspension notice issued by the District pursuant to Section 2.0601 hereof. Such relief may include civil penalties, judgment for damages, penalties, expenses and/or costs incurred by or charged to the District by or as a result of any and all acts and/or omissions of the Discharger as required, prohibited or governed by this Code, and injunctive relief, whether temporary or permanent, to suspend or terminate the activities and/or operations of the Discharger as may be necessary for the District to enforce the provisions of this code. The Law Director for the District or the prosecutor having jurisdiction thereover may commence criminal proceedings in the appropriate local court upon authorization from the District.

### **Section 2.0606**

At least annually, the Director shall publish a list of all industrial users which at any time during the previous twelve months were in significant noncompliance with applicable pretreatment requirements in a newspaper of general circulation. This will provide meaningful public notice in a newspaper serving the City of Euclid. For the purposes of this provision, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:

- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Director determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment of human health, welfare or to the environment or has resulted in the POTW's exercise of emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadline, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations which the Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.

## **Section 2.0607**

### Interpretation Requests and Rights of Appeal

1. Any Discharger shall have the right to request in writing an interpretation or ruling by the District regarding the Discharger's performance under or compliance with this Regulation or its Wastewater Discharge Permit. Such interpretation request shall be submitted to the Director of Public Service. A written response by the District, by and through the Director or other duly authorized representative, to such interpretation request shall be delivered to the Discharger either personally or by certified mail, return receipt requested, within thirty (30) days after the District's receipt of such written interpretation request. Such response by the District shall be final and binding upon the Discharger and shall not be subject to further review by the District.

2. Any Discharger shall have the right to seek review and reconsideration of any order to the District entered with respect to such Discharger after hearing as provided for in Section 2.0604 hereof, provided that said Discharger submit the basis of its request for review and reconsideration in writing to the Director of Public Service within ten (10) days after issuance of the District's administrative order. Upon timely receipt of a Discharger's request, the District shall stay for thirty (30) days any and all

judicial enforcement proceedings against said Discharger as may then be pending. The District, by and through its Director or other duly authorized representative, shall deliver a written response to the Discharger's request for review and reconsideration of the District's order either personally or by certified mail, return receipt requested, within said thirty (30) day period after the District's receipt of such request. Such response shall be final and binding upon the Discharger and shall not be submitted to further review by the District.

### **Section 2.0608**

#### Operating Upsets or Other Conditions Resulting in Non-compliance

Any Discharger which experiences an upset in operations or other conditions which place the Discharger in a temporary state of non-compliance with this Regulation or a Wastewater Discharge Permit issued pursuant hereto shall inform the District hereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally. A written follow-up report thereof shall be filed by the Discharger with the District within five days. The report shall specify:

1. Description of the upset, the cause thereof and the upset's impact on Discharger's compliance status.
2. Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.

A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the District against a Discharger for any non-compliance with this Code or with any Wastewater Discharge Permit issued pursuant hereto which arises out of violations alleged to have occurred during the period of the upset.

## **CHAPTER 7 – PENALTIES, COSTS AND DAMAGES**

### **Section 2.0701**

#### Administrative Fees

Any Discharger who fails to comply with any provision of the Code or with any Wastewater Discharge Permit issued pursuant hereto shall be subject to an administrative fine as follows:

First violation in a six month period:	\$100.00
Second violation in a six month period:	\$250.00
All other violations in a six month period: Per violation.	\$500.00

Administrative fines are due and payable to the District within thirty (30) days after written notice of same is issued by the Director of Public Service or other duly authorized representative of the District. Such notice shall be delivered to the Discharger personally or by certified mail, return receipt requested. Additional fines of not more than \$1,000.00 per violation may be assessed if ordered after a show of cause hearing addresses the violations subjected to administrative fines. For the purposes of these administrative fines, each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

### **Section 2.0702**

#### Recovery of Costs Incurred by the District

In addition to civil, administrative or criminal fines or penalties, and Discharger who violates any of the provisions of this Code, or any Wastewater Discharge Permit, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the District's wastewater treatment and/or disposal system shall be liable to the

District for any expense, loss or damage caused by such violation or discharge. The District, by and through its Director or other duly authorized representative, shall bill the Discharger for the costs incurred by the District for: (1) any investigation, sampling, cleaning, repair, or replacement work, legal fees, or other costs incurred as a result of the violation or discharge; and (2) any and all penalties and/or fines imposed upon and/or required to be paid by the District as the result of its inability to comply with its NPDES Permit and/or any other Disposal System permits as the result of the Discharger's failure to comply with this Code, any Wastewater Discharge Permit, administrative order or emergency suspension notice of the District. Refusal to pay the assessed costs shall constitute a violation of this Regulation, enforceable under the provisions of this Chapter and Chapter 6 of this Regulation.

### **Section 2.0703**

#### Falsifying Information

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Regulation, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Regulation, shall, upon conviction, be guilty of a first degree misdemeanor.

### **Section 2.0704**

#### Civil Penalties

Any Discharger who violates any Section of this regulation or any Wastewater Discharge Permit or any final administrative order or emergency suspension notice of the District issued pursuant to this Regulation shall be subject to civil penalties. The District, upon commencement of civil proceedings against any Discharger, either as provided herein or in Section 2.0605 hereof, shall seek any and all appropriate legal and equitable relief against said Discharger including, without limitation, civil penalties of \$1,000.00 per day for each day the Discharger violates or continues to violate any provisions of this Regulation or any Wastewater Discharge Permit, or any final administrative order or emergency suspension notice issued by the District pursuant to this Regulation.

### **Section 2.0705**

#### Criminal Penalties

Any person who willfully or negligently violates any Section of this Regulation or who discharges or causes a discharge into the District's wastewater treatment and/or sewer system without first securing a Wastewater Discharge Permit, or who violates Section 2.0703 hereof, shall, upon conviction, be guilty of a first degree misdemeanor. Such criminal proceedings shall be brought in the appropriate local court by the Law Director for the District or by the Prosecutor having jurisdiction thereover following the authorization of such action by the District.

## **CHAPTER 8 – RECORDS RETENTION**

### **Section 2.0801**

#### Records Retention

All Dischargers subject to this Regulation shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and include documentation associated with Best Management Practices and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a Discharger in connection with its discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the District pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

## **CHAPTER 9 – MISCELLANEOUS**

## **Section 2.0901**

### Removal Credits

Where applicable, the District may elect to initiate a program of removal credits as part of this Regulation to reflect the POTW's ability to remove pollutants in accordance with 40 CFR, Part 403.7.

## **Section 2.0902**

### Net/Gross Calculations

The District may elect to adjust Categorical Pretreatment Standards to reflect the presence of pollutants in the Discharger's intake water, in accordance with 40 CFR, Part 403.15.

## **Section 2.0903**

### Separability Clause

Should any section, subsection, sentence, clause or phrase of these Regulations be declared invalid by a court of competent jurisdiction, or any other tribunal, agency, or quasigovernmental body vested with such authority, such decision shall not affect the validity of the Regulations in their entirety or any part thereof other than so-declared to be invalid.

# **City of Euclid**

## **Industrial Pretreatment Enforcement Response Plan and Penalty Policy**

In accordance with 40 CFR 403.8(f)(5) and pursuant to Euclid City Code Section 923.02 the City of Euclid Wastewater Treatment Pretreatment Program has developed this Enforcement Response Plan (ERP). Euclid City Code 923.02 authorizes the Service Director to regulate and enforce Publicly Owned Treatment Works (POTW) user compliance. This document describes the procedures for the City of Euclid's response to instances of industrial user noncompliance.

### **TABLE OF CONTENTS**

<b>Purpose</b>	<b>Page 3</b>
<b>General Responsibilities</b>	<b>Page 4-5</b>
<b>Response Time and Appropriate Response</b>	<b>Page 6-7</b>
<b>Enforcement Actions</b>	<b>Page 8-14</b>
<b>Significant Non-Compliance</b>	<b>Page 15-16</b>
<b>Guidance to Appendix A</b>	<b>Page 17</b>
<b>Recommended Levels of Response</b>	<b>Page 17</b>
<b>Appendix A</b>	<b>Page 18-23</b>
<b>Administrative Penalty Policy</b>	<b>Page 24-30</b>

## **PURPOSE**

These guidelines and penalties were developed based on the following documents: Environmental Protection Agency (EPA) Pretreatment Compliance Monitoring and Enforcement Guidance (July 1986); and Guidance for Developing Control Authority Enforcement Response Plans (September 1989).

40 CFR 403.8(f)(5) requires that the plan include the following information:

- Describe how the POTW will investigate instances of non-compliance
- Describe the types of escalating enforcement responses the POTW will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place.
- Identify (by title) the official(s) responsible for each type of response.
- Adequately reflect the POTW's primary responsibility to enforce all applicable pretreatment requirements and standards, as detailed in 40 CFR 403.8 (f)(1) and (f)(2).

This plan is intended to serve three main purposes:

- To provide guidance in enforcement responses that is appropriate in relation to the nature and severity of the violation and the overall degree of non-compliance.
- To establish guidelines that encourages fair and uniform application of enforcement responses to comparable levels and types of violations.
- As a mechanism to review the appropriateness of responses.

This plan is intended to be used as a reference tool to address instances of non-compliance. It must be used in conjunction with the Code of Federal Regulations and the Euclid City Code. This plan does not supersede legal requirements, but serves as guidance for applying existing laws and regulations. Appendices located in the back of this plan are intended to assist in assessing fair and uniform enforcement.

## **General Responsibilities**

The purpose of this section is to establish general responsibilities for enforcement activities initiated by the City personnel. It is the intention of the Pretreatment Coordinator along with the Service Director to move quickly and responsibly in all enforcement actions. The following guidelines will help ensure that issues requiring enforcement are handled fairly and uniformly for all industrial users.

### **Pretreatment Compliance Inspectors**

Inspectors will be responsible for conducting compliance monitoring and facility inspections.

Inspectors will:

- Conduct outreach and educational activities with users
- Screen compliance monitoring data
- Determine compliance with permit conditions through on-site inspections and prepare inspection reports
- Identify instances of non-compliance
- Promptly notify the WWTP Superintendent and Service Director of non-compliance
- Draft informal Notices of Non-Compliance
- Draft Notices of Violation (NOV) for review by Coordinator and issuance by Service Director
- Develop draft compliance sampling schedules
- Provide compliance assistance as appropriate



The inspector may also participate in Show Cause Hearings and Compliance Hearings as deemed necessary by the Service Director.

### **Pretreatment Coordinator**

The Wastewater Treatment Plant Pretreatment Coordinator will be responsible for ensuring fair and consistent implementation of pretreatment requirements and ensuring that pretreatment activities are in compliance with conditions of Euclid's NPDES Permit. The Coordinator will:

- Review all violations
- Review all documents drafted by inspectors
- Recommend appropriate response(s) to non-compliance
- Promptly notify the Service Director of significant non-compliance
- Conduct compliance meetings
- Develop and oversee compliance monitoring schedules
- Track enforcement response times
- Approve compliance sampling schedules
- Ensure consistency of the pretreatment program
- Initiate Administrative Orders of Compliance Schedules
- Assess penalties for non-compliance upon approval of the Service Director
- Initiate termination of service
- Consult with City Law Director on potential legal action and decisions to issue orders
- Coordinate enforcement with other regulatory agencies

### **Wastewater Treatment Plant Superintendent**

The Superintendent will be responsible for oversight of the Pretreatment Coordinator and will also ensure fair and consistent implementation of pretreatment requirements and ensuring pretreatment activities are in compliance with the conditions of the NPDES Permit. The Superintendent will:

- Review assessed penalties for non-compliance upon approval by the WWTP Pretreatment Coordinator
- Sign Notices of Violation
- Sign Industrial Wastewater Discharge Permits
- Sign Administrative Orders

### **Service Director**

The Service Director will be responsible for the appropriate application of enforcement guidelines to pretreatment violations. The Service Director will:

- Conduct Show Cause Hearings
- Approve assessment of administrative penalties
- Approve termination of water or wastewater services
- Implement enforcement responsibilities in Euclid City Code, Chapter 923.02

### **City Law Director**

The Law Director's office will:

- Provide assistance and advice on legal/regulatory pretreatment developments or changes
- Advise City staff during enforcement matters as required
- Consult with Service Director on administrative actions and review
- Manage civil and criminal litigation on behalf of the City

## **Response Times and Appropriate Response**

After the instance of non-compliance has been investigated and determined to be valid the Service Director will initiate enforcement action.

### **Response Times**

Once non-compliance is determined, the enforcement action must be taken in a timely manner. It is important to remember that to be effective and fair, enforcement actions must be taken

quickly. By acting quickly, the instance of non-compliance is easier to address and future non-compliance may be lessened. The City will attempt to initiate all enforcement actions within thirty (30) days of the date of non-compliance is determined valid.

### **Selecting Appropriate Response**

Non-compliance identified as a result of monitoring, reporting, and assessing treatment requirements may range from minor incidents to major incidents. Each instance of non-compliance must be reviewed, documented, and properly addressed. The appropriate enforcement response will relate to the severity and duration of the violation, compliance history, good faith efforts of the violator to comply, harm caused by the violation, and whether the non-compliance resulted in a discharge permit violation.

The following subsections address these factors.

#### **Duration of the Violation**

The city must evaluate the duration of the violation to determine the possible effects that may have occurred in the collection system and publicly owned treatment works (POTW). The assessment of each specific violation should take into account the volume of the discharge and the strength of the discharge.

#### **Compliance History**

The compliance history of the facility is one of the most important factors to review prior to selecting the appropriate level of enforcement response. More aggressive enforcement actions should be taken when a facility has frequent violations. When an isolated violation occurs, the compliance history of the facility will be taken into account. The City must also consider the effectiveness of previous enforcement actions before establishing the level of the next response.

#### **Apparent Good Faith**

Congress expressed what is expected of a facility attempting to establish good faith efforts: “The act requires industry to take extraordinary efforts if the vital and ambitious goals of the Congress are to be met. This means that business as usual is not enough. Prompt, vigorous, and in many cases, expensive pollution control measures must be initiated and completed as promptly as possible. In assessing a good faith of a discharger, the discharger is to be judged against these criteria. Moreover, it is an established principle, which applies to this act, that administrative and judicial review are sought on the discharger’s own time.” (Legislative History of the Clean Water Act No. 95-14, Vol 3 p.463).

Based on this guidance, the City of Euclid will interpret the actions of a facility on a case by case basis. If a facility challenges a permit, contract, or applicable pretreatment standard and delays progress towards compliance, the facility assumes the risk that the permit, contract, or standard will be upheld on judicial review and cannot be considered to have acted in good faith.

If a facility appears to be acting in good faith to comply, the City may choose a lower level enforcement response than one it would choose against a facility not acting in good faith.

#### **Discharge Permit Violation**

An instance of non-compliance that causes interference or pass-through of the POTW and results in a permit violation must be addressed with formal enforcement actions and penalties. This level of response is necessary to ensure adequate treatment and compliance is achieved promptly. Enforcement actions may include injunctive measures in appropriate cases.

#### **Severity of Violation**

Depending on its severity, even an isolated violation could threaten public health and the environment, damage public and private property, or threaten the integrity of the program. Factors like pH of 2 vs. pH of 6, 100 gallons vs. 100,000 gallons, 5% over the limit vs. 200% over the limit, failure to accurately report a violation, reports 2 days late vs. 30 days late, affect the severity of the violation.

#### **Harm Caused**

Some violations may have negative impacts on the POTW itself. For example, they may result in significant increases in treatment costs, interfere with operations, or harm POTW personnel or equipment, or cause sludge contamination resulting in increased disposal costs. These violations should be met with an administrative fine or civil penalty and an order to correct the violation, in addition to recovery of costs.

## **Enforcement Actions**

In order to achieve a maximum degree of compliance by industrial users, the City of Euclid uses a wide range of enforcement actions. As identified in the previous sections there are several factors that should be reviewed prior to selecting the appropriate level of response. Enforcement actions available range from a simple telephone call, to the assessment of monetary penalties and termination of water and/or sewer service. During the course of reviewing a specific violation, it is important to remember that some intentional violations may constitute criminal activities and under such circumstances the Service Director will consult with the Law Director, and may seek assistance from the USEPA, OEPA, and/or the Ohio Attorney General's Office.

The City of Euclid staff must have a progressive enforcement philosophy that addresses the violation at the lowest level with the least formality possible, beginning with compliance assistance. The goal is to achieve compliance for the facilities in question. All actions, no matter how informal, must be documented in writing and submitted to the Pretreatment Coordinator for approval. All written notices of enforcement actions will be sent by certified mail with a return receipt requested. Listed below are the levels of enforcement actions available ranging from informal to formal.

### **Actions**

- Compliance Assistance (advise on achieving compliance)
- Unannounced inspections or unscheduled monitoring
- Informal Notice (warning)
- Automatic increase of Self-monitoring
- Notice of Violation (NOV)
- Order to Show Cause
- Administrative Order
- Administrative Fines and Reimbursements of Costs
- Termination or Suspension of Discharge
- Civil Action
- Criminal Action
- Suspension or Revocation of Permit

The following subsections describe the individual actions listed above. Appendix A provides a general guide to the use and implementation of these actions.

## **Actions**

### **Compliance Assistance**

The pretreatment inspectors will assist any industry in achieving compliance with the pretreatment regulations. The assistance may include, but is not limited to, providing copies of the federal regulations applicable to the industry, assistance with the application, audit of the facility, or identifying other similar businesses in Euclid.

### **Unscheduled Inspection or Monitoring**

When permit or effluent violations occur, the City of Euclid will make every effort to perform the inspection. The purpose of an inspection is to determine if the violation has been corrected and to determine if the facility is operating normally. Little, if any, prior notice is given to the facility.

### **Informal Notice**

Informal notice may consist of a telephone call or "reminder" letter to an appropriate plant official. Such a call or letter may be used to notify officials of a minor violation, to seek an explanation, to suggest the exercise of more due care, and/or to notify the violator that subsequent violations of the same type may be dealt with more severely. Such informal notice may be used to correct minor inadvertent non-compliance and to demonstrate that the City will note and follow-up all instances of non-compliance. The City will place a copy of the Informal Notice in the industry's file.

In these instances the City will specify the type of follow-up actions required by the facility. The City will also establish the specific time frame in which the facility must respond. The City may

take additional, more formal enforcement action if, required follow-up actions are not completed in good faith.

#### **Automatic Increase of Self-Monitoring**

If the results of the permittee's self-monitoring indicate a violation has occurred, the permittee must repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of becoming aware of the violation.

The permittee shall conduct a minimum of four consecutive days of monitoring. All monitoring shall be representative of the permittee's flow and consistent with all conditions of the facility's Industrial Wastewater Discharge Permit.

The Permittee is not required to resample if the City obtained a sample at the same discharge point for the same pollutant between the time the Permittee performed its sampling and the time the Permittee receives the results of sampling. If the facility in question is a "batch" discharge operation, the City of Euclid will establish the specific monitoring requirements on a case-by-case basis.

#### **Notice of Violation (NOV)**

This is a written notice to the facility that a violation has occurred. The NOV will require corrective actions to prevent further violations and will require the facility to explain the causes of the violation. The text of the NOV will include a statement that additional enforcement actions may be pursued if corrective actions are not achieved as required. Additionally, the NOV does not excuse prior violations nor prevent collection of penalties or damages at a later time. The NOV will be sent by certified mail with return receipt requested. Copies will be placed in the industry's file with the return receipt as proof that the industry received the notice in the event that additional enforcement proceedings are necessary.

The NOV will identify the specific time frame for follow-up and/or other corrective actions. The facility is required to respond in writing within this specific time frame. Upon review of the facility's response to the NOV, the Pretreatment Coordinator will determine the validity of the response. If the response is determined to be unsatisfactory, further actions may be taken. If the response is determined to be sufficient, the NOV will be closed and recorded in the facility file in the Pretreatment Department as part of compliance history. Closure will be documented in writing and provided to the facility. However, closure of the NOV does not preclude further action if necessary.

#### **Order to Show Cause**

An order to Show Cause why a proposed enforcement action should not be taken may be issued to a facility before proceeding with enforcement actions. Notice will be served upon the facility indicating the time and place the show cause meeting will be conducted. The notice will identify the purpose, enforcement action, the reasons for said action, and a request that the industrial user show cause why the proposed action should not be taken. A show cause hearing does not preclude, and is not a necessary prerequisite for taking other enforcement actions.

#### **Administrative Order (AO)**

The City may issue an Administrative Order requiring a facility to achieve compliance with pretreatment standards or other requirements of the Euclid City Code. The administrative order will place a facility on an enforceable compliance schedule or require immediate compliance. The City may require a facility to install treatment device(s) and/or to operate and maintain a treatment facility correctly.

#### **Administrative Fines**

Administrative Fines may be assessed by the Service Director under Euclid City Ordinance 923.02. Each day that a violation continues may constitute a separate violation. When determining the amount of an administrative fine the factors discussed on pages 6 and 7 will be taken into account, as well as any economic benefit resulting from the violation, the economic

impact of the penalty on the violator, the seriousness of the violation and other factors as justice requires.

### **Termination or Suspension of Discharge**

The City has the authority to immediately halt any actual or threatened discharge to the POTW that may represent an endangerment to public health or the POTW under Section 923.02 of the city ordinance. Informal notification may be given to the facility discharging or threatening such a discharge.

Termination or suspension of discharge may be an appropriate response to facilities that have not complied with previous enforcement actions. This action is an administrative response, which may be implemented by the Service Director without initiating civil and/or criminal proceedings. Circumstances warranting termination of discharge are as follows:

- Unpermitted discharge(s) which result in a violation of any NPDES Permit, or any other environmental permit issued to Euclid or other agencies receiving Euclid wastewater or its by-products.
- Any dangerous situation threatening human health, the environment, or the POTW.
- Discharge(s) that exceed local limits or categorical discharge limits and/or result in damage to the environment or POTW.
- Slug Load resulting in interference, pass through, or which may cause any dangerous situation threatening human health, the environment, or the POTW.
- Recurring slug load discharges.
- Failure of the facility to notify Euclid of effluent violations of slug load discharges that causes any dangerous situation threatening human health, the environment, or the POTW.
- Failure of the facility to monitor as required by an administrative order or permit.
- Failure of the facility to install required monitoring equipment as required by an administrative order.
- Major violation of a permit condition or administrative action accompanied by evidence of negligence or intentional violation.

The process for termination or suspending a facility's discharge should be initiated and carried out as follows:

- The Pretreatment Coordinator prepares documentation to support the action and advises the Service Director of the impending action.
- Upon approval by the Service Director, the industrial user is provided written notification of the proposed termination. The user will be given the opportunity to appear before the Service Director to show cause why the proposed action should not be taken.
- If the facility appears to have an actual or threatened discharge that may cause interference with the POTW or will present an imminent endangerment to the health or welfare of any person or the environment, the Service Director may suspend any sewer service connection to the POTW without a show cause hearing.

Service will be restored only after compliance has been achieved to the satisfaction of the Service Director. The fines imposed by the Euclid City Ordinance, Section 923.02, in addition to any damages incurred, must be paid before the service connection is restored

## **Civil Actions**

The City of Euclid has the authority to file a civil suit against alleged violators of applicable pretreatment standards seeking injunctive relief, compliance, civil penalties, and/or damages (Euclid City Ordinance, 923.02). Civil Penalties may be assessed in an amount up to \$500.00 per violation per day in accordance with OAC 3745-3. This type of response is appropriate in the following situations:

- An emergency situation where injunctive relief is necessary to halt or prevent discharges which threaten human health, or the environment, or interfere with the POTW.
- When efforts to restore compliance through cooperation with the facility have failed and action is necessary to enforce pretreatment program requirements.
- To seek monetary penalties for violations.

In instances that require filing a civil suit, the Pretreatment Department will collect all pertinent information sufficient to support the complaint, and provide the information to the City Law Director. The Pretreatment Staff will support the Law Director in preparing and carrying out the enforcement case.

## **Criminal Actions**

Willful or negligent violations can seriously damage the POTW and the environment, and must be punished severely. As in civil actions, the Pretreatment Department and the Service Director will work closely with the Law Director's office.

The Law Director is authorized to seek criminal punishment for any person who violates pretreatment standards or any person who knowingly makes a false statement regarding any report, application, record, or other document required by the General Pretreatment Regulations and Euclid City Code.

The Service Director will consider several factors when identifying violations to be referred to the Law Director for possible criminal prosecution. These factors include:

- The willfulness or negligence of the violation
- Knowledge of the violation
- Nature and seriousness of the violation
- Need for deterrence
- Compliance history of the facility

## **Suspension or Revocation of Permit**

A facility's Industrial Wastewater Discharge Permit may be revoked if any provision of the Permit or Euclid City Code is violated or for any reasons listed in Euclid City Code 923.02. A permit may be modified including, but not limited to, the following reasons:

- To incorporate any new or revised Federal, State, or Local pretreatment standard or requirement
- Material or substantial alterations or additions to the facility's operation processes, discharge volume, or character which were not covered in the effective permit.

- A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- Information indicating that the permitted discharge poses a threat to the City's collection and treatment system, POTW personnel, or the receiving water.
- Obtaining a Permit by misrepresentation or failure to disclose fully all relevant facts.
- Revision of a grant or variance from categorical standards pursuant to Title 40 CFR 403.13.

## **Significant Non-Compliance (SNC)**

Significant non-compliance is determined at the beginning of each quarter based on data of the previous six (6) months. Pursuant to 40 CFR 403.8(f)(2)(viii) any one of the following situations will be considered SNC:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of ALL wastewater measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(1);
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long term average, instantaneous limit, or narrative standard) that the Service Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

4. Any discharge of pollutant that has caused imminent endangerment to human health, welfare of the public or to the environment, or has resulted in the Service Director's exercise of its emergency authority to halt or prevent such a discharge. The industrial user shall notify the District at least 30 days in advance of any change in the discharge characteristics;
5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report non-compliance; or
8. Any other violation(s) or group of violations, which may include a violation of best management practices, which the Service Director determines will adversely affect the operation or implementation of the local pretreatment program.

When it is determined that an industrial user is in SNC, the City of Euclid will take the following actions as required by 40 CFR 403.8(f)(2)(viii)

1. Annually publish the name of the facility that is determined to be in SNC, in a newspaper of general circulation that provides meaningful public notice in a newspaper serving the City of Euclid;
2. Report the occurrence to the Control Authority with oversight over the City of Euclid, in the Pretreatment Performance Summary (Annual Report) as required by applicable permit, and
3. Take appropriate enforcement actions.

### **Guidance for Appendix A**

The sections that follow are intended to be used as guidance for assessing fair and uniform enforcement.



1. Determine the type of non-compliance that has occurred in Appendix A.
2. Using Appendix A, “Nature of the Violation”, identify the most accurate description of the instance(s) of non-compliance.
3. Determine the appropriateness of the recommended response(s) in Appendix A, Enforcement Response. Instances of initial non-compliance or those demonstrating good faith efforts may, upon the discretion of the Pretreatment Coordinator, receive a more lenient response. Similarly, repeat offenders or those demonstrating willful conduct that may require a more severe response. The City of Euclid may use higher levels of enforcement against recalcitrant facilities.
4. The rationale for the enforcement response must be documented and placed in the facility’s file.
5. Apply the enforcement response to the facility. Specify required actions or the response required of the facility.
6. Document facility responses and resolution of non-compliance.
7. Follow-up with escalated enforcement action if the facility response is not received or if the violation(s) continue.

**Timeframes for Responses**

- Initial enforcement responses (contacting the facility and requesting information on corrective or preventative actions) will occur within thirty (30) days of violation detection.
- Violations which threaten health, property, or environmental quality are considered emergencies and will receive immediate responses, such as halting the discharge, or terminating sewer service.
- Unless otherwise specified, evaluation period is for one (1) year from date of violation.

**APPENDIX A**

**I. Un-permitted Discharge**

<u>Non-compliance</u>	<u>Nature of Violation</u>	<u>Enforcement Response</u>
<b>Un-permitted Discharge</b>	IU aware of requirement; No harm to POTW/Environment	*Informal Notice *NOV with permit application form
	IU aware of requirement; harm to POTW/Environment	*Administrative Fines *Civil Action *Show Cause Hearing
	Failure to comply; continues after notice by the City	*Civil Action *Criminal Action *Terminate Discharge
<b>Non-permitted Discharge (Failure to renew)</b>	Permit expired; no application submitted	*NOV *AO *Civil Action *Criminal Action *Terminate Discharge

**APPENDIX A**

**II. Discharge Limit Violation**

<b><u>Noncompliance</u></b>	<b><u>Nature of Violation</u></b>	<b><u>Enforcement Response</u></b>
Exceedance of Local or Federal Standard (Permit Limit)	Isolated, no harm to POTW or environment	*Informal Notice *NOV *Automatic re-sampling *Unannounced Inspection *Unannounced city monitoring
	Isolated, harm to POTW or environment	*Show Cause *Civil Action
	Recurring, 2 or more violations within 90 days, no harm to POTW or environment	*Administrative Fines
	Recurring, 2 or more violations within 90 days, harm to POTW or environment	*Show Cause *Administrative Fines *Civil Action *Terminate Discharge *Revoke Permit
	Recurring, with knowledge or intent or negligence	*Criminal Action

**APPENDIX A**

### III. Monitoring and Reporting Violations

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Enforcement Response</u>
Reporting Violation	Report is improperly signed or certified	* Informal Notice * NOV
	Report is improperly signed or certified after notice by the City	* Show Cause * Administrative Fines
	Isolated, not significant, less than 5 days late	* Informal Notice * NOV
	Any single report 5 days or more late	* Show Cause * Administrative Fines * Civil Action
	Failure to report spill or changed discharge; no harm	* NOV
	Failure to report spill or changed discharge; harm to POTW or environment	* Administrative Fines * Civil Action
	Repeated failure to report spills	* Show Cause * Terminate Discharge * Revoke Permit
	Falsification	* Criminal Action * Terminate Discharge * Revoke Permit
	Missing or incomplete information	* Informal Notice *NOV
	Failure to correct report with missing or incomplete information	* Show Cause * Administrative Fines * Civil Action

#### APPENDIX A

### III. Monitoring and Reporting Violations (cont)

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Enforcement Response</u>
Failure to monitor correctly	Failure to monitor all pollutants as required by permit	* NOV * AO
	Recurring failure to monitor	* Show Cause * Administrative Fines * Civil Action
Improper Sampling	Evidence of intent	* Criminal Action * Terminate Discharge * Revoke Permit
Failure to install	Delay of less than 30 days	* NOV

monitoring equipment	Delay of more than 30 days	* Administrative Fines
	Recurring violation of AO	* Civil Action * Criminal Action * Terminate Discharge
Compliance Schedules	Missed milestones	* NOV * Administrative Fines
	Missed milestones, more than 30 days (good cause for delay)	* Administrative Fines
	Missed milestones, more than 30 days (no good cause for delay)	* Show Cause * Civil Action * Terminate Discharge
	Recurring violation or violation of schedule in AO	* Civil Action * Criminal Action * Terminate Discharge * Revoke Permit

#### APPENDIX A

#### IV. Other Permit Violations

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Enforcement Response</u>
Waste streams are diluted In lieu of treatment	Initial Violation	* Administrative Fines
	Recurring	* Show Cause * Civil Action * Terminate Discharge * Revoke Permit
Failure to mitigate Noncompliance or halt Production	No harm to POTW or environment	* NOV * Terminate Discharge * Revoke permit
	Harm to POTW or environment	* Administrative Fines * Civil Action * Terminate Discharge * Revoke Permit
Failure to properly operate and maintain pretreatment facility	Initial violation	* NOV
	Recurring	* Administrative Fines * Civil Action * Terminate Discharge

\* Revoke Permit

## APPENDIX A

### V. Violation Detected During Site Visit

<u>Noncompliance</u>	<u>Nature of Violation</u>	<u>Enforcement Response</u>
Entry Denial	Entry denied or consent withdrawn. Copies of records denied	* Obtain Warrant * Show Cause
Illegal Discharge	No harm to POTW	* Administrative Fines
	Discharge causes harm to POTW or evidence of intent/negligence	* Civil Action * Criminal Action
	Recurring	* Terminate Discharge
Improper Sampling	Incorrect location, sample type, collection procedures	* NOV
Inadequate recording keeping	Files incomplete or missing information – Initial Violation	* NOV
	Recurring, after notice to Correct	* Show Cause * Administrative Fines
Failure to report additional monitoring	Inspector finds additional files/records – Initial violation	* NOV
	Recurring, after notice to remedy	* Show Cause * Administrative Fines * Civil Action * Criminal Action * Terminate Discharge

### Penalty Policy

This penalty policy is adopted pursuant to Euclid City Code 923.99. The policy establishes the factors to be considered and the method for calculating administrative fines.

**A. General Provisions**

- 1) The penalty associated with violations should reflect the seriousness, frequency, duration, And persistence of the violation(s), the economic benefit resulting from the violation

Ordinance No.

By – Mayor Cervenik

An ordinance authorizing a ground space lease with New Cingular Wireless, LLC (“New Cingular”), to install an auxiliary generator at the City-owned communications tower at Memorial Park (“Tower”).

WHEREAS, New Cingular will install a second generator at the Tower; and

WHEREAS, New Cingular will pay the City Two Hundred and Ninety-Six Dollars (\$296) per month in exchange for a leased area of 40 square feet within the enclosed tower site; and

WHEREAS, the term of this lease is to run concurrently with the existing lease agreement on the Tower.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the lease agreement with New Cingular for a 40 square foot space within the enclosed tower site is approved allowing New Cingular to install a generator for existing communication equipment in exchange for a monthly payment of Two Hundred and Ninety-Six Dollars (\$296) for a period running concurrently with the existing lease.

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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 3: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

Ordinance No.

By – Councilperson McLaughlin (by request)

An ordinance amending Chapter 941 “Garbage and Rubbish Collection and Disposal” of the Streets, Utilities, and Public Services Code of the Codified Ordinances of the City of Euclid.

WHEREAS, the City has implemented recycling collection to coincide with garbage and rubbish collection; and

WHEREAS, the City provides residents with a Ninety-Six (96) gallon rolling container for garbage and a Sixty-Four (64) gallon rolling container for recycling; and

WHEREAS, Chapter 941 of the Streets, Utilities, and Public Services Code needs to be amended to reflect recent changes in practice.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Chapter 941 “Garbage and Rubbish Collection and Disposal” of the Public Services Code of the Codified Ordinances of the City of Euclid is hereby amended to read as follows:

**CHAPTER 941 Garbage and Rubbish Collection and Disposal**

941.01 DEFINITIONS.

As used in this chapter;

\* \* \*

(k) “Recycled Material” means paper products, including but not limited to, newspaper, magazines, mail, printer paper, corrugated cardboard, or cereal boxes; cans, including but not limited to, aluminum, tin or bi-metal cans, trays, lids, containers, and empty aerosol cans; glass, including but not limited to, green, brown, and clear; and plastics.

941.02 WASTE NOT COLLECTED.

(a) Except as otherwise herein provided, the City will not collect the following waste materials:

- (1) Large quantities, ~~in excess of sixty five pounds or twenty gallons~~, of building or construction waste;
- (2) Extraordinary commercial wastes; or
- (3) Industrial wastes.

(b) Except as otherwise herein provided, the City will neither collect nor dispose of the following waste materials:

- (1) Poisons;
- (2) Explosives;
- (3) Manure;
- (4) Articles infected with contagious disease;
- (5) Waste material originating outside the corporate limits of the City;
- (6) Waste material prepared, separated or stored in violation of any of the provisions of this chapter;
- (7) Waste material containing five percent or more of ash, dust, dirt, sand or other dust forming materials which contribute to air pollution upon processing. ~~in the City incinerator plant or other disposal facility utilized; or~~
- (8) Any waste material found by the Service Director to be injurious to the health or safety of the citizens or the City employees upon collection or processing at the City incinerator plant or other disposal facility utilized; ~~or~~
- (9) Any item or mattress having bed bugs that is not sealed in plastic

\* \* \*

941.04 WASTE CONTAINERS.

(a) ~~Waste containers will be provided by the City.~~ Should additional containers be needed, waste containers may be of metal or plastic and shall not exceed thirty-two gallons capacity nor sixty-five pounds



filled. They must be equipped with two lifetime handles on the side and shall have a tightly fitting lid. Tightly secured, airtight, leakproof approved thirty-gallon solid waste plastic bags constructed of plastic not less than two mills in thickness, not exceeding sixty-five pounds filled, may also be used. Other approved solid waste design paper or plastic bags may be used only with the specific permission of the Service Director. All containers shall be maintained in a sound and sanitary condition.

\* \* \*

#### 941.05 PLACEMENT AND STORAGE OF CONTAINERS; ENFORCEMENT PROCEDURE.

(a) Placement of Containers. Collection shall be one day per week only at the curbside of dedicated public streets on the days designated by the Director of Service. Containers must be placed within two feet of the street either at the end of the driveway or on the grass within two feet of the road adjacent to the premises to be served on the day of collection. The cart shall be placed so that the arrows on the lid of the cart will point towards the street. Rubbish inside the container should be bagged. Containers must be placed for collection at the curbside in the tree lawn area adjacent to the premises to be served on the day of collection designated for each such premises and each of such containers shall not exceed 50 pounds in combined weight of container and contents. Other containers shall not be stacked one on top of the other and shall not be placed upon any public curb, street, sidewalk, driveway or private yard or walk area, but shall be arranged in clusters extending not more than five feet parallel to the curb in the tree lawn area and with access aisles extending on both sides of each cluster in the tree lawn area at least five feet parallel to the curb of the dedicated public streets. On the day of garbage collection, animals which annoy, harass or threaten the collector must be confined.

\* \* \*

(e) Storage of Containers. Waste containers and waste or refuse not placed in containers shall be stored in the rear of the residence and in a location and manner where they cannot be seen from the street, where practical, except when the containers are placed at the curbside for pick-up as set forth in divisions (a) through (d) of this section. If there is no practical place for a container to be stored on the property where it cannot be seen from the street, the container shall be placed in a practical place on the property, but in no way should placement of a container inhibit or impede pedestrian traffic on the sidewalk.

\* \* \*

#### 941.06 OWNER'S RESPONSIBILITY TO PROVIDE CONTAINERS.

(a) The individual tenants of any dwelling, building or structure shall use the containers provided by the City. ~~be responsible for providing and maintaining suitable approved containers for the disposal of waste materials when the dwelling, building or structure contains from one to five families inclusive.~~

(b) The owner of any dwelling, building or structure which contains six or more dwelling units, or commercial building with walk-up, shall provide at least one garbage container of a capacity of not less than one cubic yard and manufactured of a metal not lighter than sixteen gauge. If one container is not sufficient then the owner shall provide as many additional containers as may be required to serve the dwelling units.

The containers shall be equipped with a truck dumping attachment and with wheels or casters and shall be of a type approved by the Service Director. All containers shall be placed in an area and in such manner as to be accessible for collection.

(c) Nothing in this section shall apply to any dwelling or structure equipped with incinerator or disposal facilities which meet the requirements of the City.

\* \* \*

Section 2: That Chapter 941 of Streets, Utilities, and Public Services Code is hereby amended. All other provisions contained in Chapter 941 shall remain in full force and effect.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Ordinance No.

By – Councilperson McLaughlin (by request)

An emergency ordinance authorizing the Director of Public Service of the City of Euclid to renew the Service Agreement between the City of Euclid and Johnson Controls, Inc. for maintenance of chillers at the C.E. Orr Ice Arena for a period of one year commencing on August 1, 2014.

WHEREAS, the City is satisfied with Johnson’s Control, Inc.’s performance under the existing contract with the City, which is scheduled to renew on August 1, 2014; and,

WHEREAS, the extension agreement will be for a period of one year commencing on August 1<sup>st</sup>, 2014, for the annual sum of \$26, 770.00; and,

WHEREAS, funds to be paid for the extension will be derived from the Recreation Operating Account; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service of the City of Euclid is hereby authorized to renew the service agreement with Johnson Controls, Inc. for maintenance of the chillers at the C.E. Orr Ice Arena for a period of one year, commencing on August 1, 2014, in the amount of \$26,770.00.

Section 2: That funding for the total contract of \$26,770.00 come from the Recreation Operating Account.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

Sponsored by Mayor Cervenik

AN ORDINANCE AUTHORIZING THE PURCHASE OF A FEE SIMPLE INTEREST IN,  
OVER,

AND UPON CERTAIN REAL PROPERTY WITHIN THE CITY OF EUCLID AND  
AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT  
THEREFORE, AND DECLARING AN EMERGENCY.

WHEREAS, 7-11 Inc. is the owner of real property being part of Original Euclid Township Lot No. 6, Tract 18 and in the City of Euclid, Ohio and fully described in the attached Exhibit "A"; and,

WHEREAS, 7-11, Inc. wishes to sell said real property to the City of Euclid, Ohio; and

WHEREAS, this Council hereby determines that it is in the best interest of the City of Euclid to purchase said real property in connection with the expansion of the City of Euclid's wastewater treatment facility.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF EUCLID, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That the Mayor be and is hereby authorized to enter into a Purchase Agreement with 7-Eleven, Inc. for the purchase of a fee simple interest in the real property described in Exhibit "A" which is attached hereto and made a part hereof, and to execute any documents necessary to complete said sale.

SECTION 2. That the purchase price for said real property shall be Four Hundred Ninety-Five Thousand Dollars and 00/100 (\$495,000.00).

SECTION 3. That the Law Director be and is hereby authorized to prepare any documents to make the transfer of said real property possible and further to perform any other legal work necessary to effectuate the purchase of said real property.

SECTION 4. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that, except as otherwise provided by Section 121.22 of the Ohio Revised Code, 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.

SECTION 5. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, welfare and safety of the inhabitants of this city, and for the further reason that obtaining the aforesaid fee simple interest at the earliest possible time is essential to meet construction deadlines; WHEREFORE, this ordinance shall take effect and be in force from and immediately upon its adoption.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Exhibit "A"

**PERMANENT PARCEL NO. 642-10-051  
22311 Lakeshore Boulevard, Euclid, Ohio  
OWNER: 7-Eleven, Inc.**

SITUATED IN THE CITY OF EUCLID, COUNTY OF CUYAHOGA AND STATE OF OHIO, BEING A PART OF THE ORIGINAL EUCLID TOWNSHIP LOT NO. 6, TRACT 18, ALSO BEING A PARCEL OF LAND CONVEYED TO BP EXPLORATION & OIL INC. BY VOLUME 97-11853, PAGE 10, ALL REFERENCES BEING TO THE CUYAHOGA COUNTY RECORDER'S OFFICE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR REFERENCE, AT THE INTERSECTION OF THE ORIGINAL CENTER LINE OF LAKE SHORE BOULEVARD (ALSO KNOWN AS STATE ROUTE 283, BEING A PUBLIC ROADWAY, 80.00' WIDE) AND EAST 222 STREET;

THENCE ALONG SAID CENTER LINE NORTH 49° 22' 29" EAST A DISTANCE OF 296.79 FEET TO THE EASTERN MOST CORNER OF PARCEL 3 OF THE LANDS CONVEYED TO BP PRODUCTS NORTH AMERICA INC. BY DEED 200712130611;

THENCE ALONG THE EASTERLY LINE OF SAID BP PARCEL NORTH 40° 27' 32" WEST A DISTANCE OF 180.01 FEET TO AN IRON PIN FOUND AT THE SOUTHWESTERLY CORNER OF A 1.9824 ACRE PARCEL CONVEYED TO MUTUAL PROPERTIES 22401 BY DOCUMENT 10097, PAGE 34 (PASSING A MAGNETIC NAIL SET AT A DISTANCE OF 30.00 FEET AT THE NORTHWESTERLY RIGHT OF WAY OF SAID LAKE SHORE BOULEVARD);

THENCE ALONG THE SOUTHERLY LINE OF SAID 1.9824 ACRE PARCEL NORTH 49° 22' 29" EAST A DISTANCE OF 125.00 FEET TO A MAGNETIC NAIL SET AT A SOUTHERLY CORNER OF SAID 1.9824 ACRE PARCEL;

THENCE ALONG THE WESTERLY LINE OF SAID 1.9824 ACRE PARCEL SOUTH 40° 27' 32" EAST A DISTANCE OF 180.01 FEET TO THE ORIGINAL CENTER LINE OF SAID LAKE SHORE BOULEVARD (PASSING A MAGNETIC NAIL SET IN THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID LAKE SHORE BOULEVARD AT A DISTANCE OF 150.01);

THENCE ALONG SAID ORIGINAL CENTER LINE SOUTH 49° 22' 29" WEST A DISTANCE OF 125.00 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 0.5166 ACRES OF WHICH 0.086 ACRES IS LOCATED WITHIN SAID LAKE SHORE BOULEVARD RIGHT OF WAY.

(102-14)

Ordinance No.

By – Councilperson McLaughlin (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a contract(s), after advertising for bids, for the City’s requirements of Asphalt (Hot Mix/Cold Mix) for the years 2015 & 2016.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service be, and he is hereby authorized, empowered and directed to advertise for bids and enter into a contract(s) for the City’s requirements of Asphalt (Hot Mix/Cold Mix) for the years 2015 & 2016 to be in accordance with specifications on file in the office of the Director of Public Service. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The specifications on file in the office of the Director of Public Service are hereby approved. The contract shall be in form approved by the Director of Law and shall be in conformance with such specifications. It shall be executed by the Director of Public Service. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the State Highways Street Construction – Maintenance and Repair.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

Ordinance No.

By- Mayor Cervenik

An ordinance authorizing the Mayor of the City of Euclid to enter into an agreement with Landmark Dividend LLC (Landmark), El Segundo, Ca., that provides for a lump sum payment of \$575,000 in exchange for a seventy-five (75) year right to lease payments and access to the leases the City holds with T-Mobile Central LLC and New Par d/b/a Verizon Wireless on the communications facility located at 545 East 222<sup>nd</sup> Street, Euclid, OH 44123.

WHEREAS, the City of Euclid has pursued agreements with vendors seeking to purchase the rights to ground and tower leases now held by the City of Euclid on the communication tower in Memorial Park; and

WHEREAS, by taking a prepayment, the City will eliminate all monetary risk associated with network consolidation; and

WHEREAS, Landmark has provided the best present value for the existing leases with T-Mobile and Verizon; and

WHEREAS, City Council hereby finds the price of prepayment to be fair and just.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid is hereby authorized and directed to enter into necessary agreements with Landmark Dividend, 2141 Rosecrans Avenue, Suite 2100, El Segundo, California 90245 that provide for a lump sum payment of \$575,000 in exchange for a seventy-five (75) year lease easement purchase to the T-Mobile and Verizon leases on the communications facility located at 545 East 222<sup>nd</sup> Street, Euclid, OH 44123.

Section 2: That said agreements shall be substantially in the form on file with the Clerk of Council and together with such other documents necessary to acquire the property shall be as approved by the Director of Law.

Section 3: That Council has determined the lease terms to be fair and just.

Section 4: That all funds received from this transaction shall be deposited in the Recreation Capital Fund.

Section 5: 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 of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

Effective:

\_\_\_\_\_  
Mayor

Resolution No.

By – Mayor Cervenik and All Members of Council

A Resolution adopting the rate of each tax necessary to be levied both inside and outside the ten-mill limitation, as certified by the Cuyahoga County Budget Commission.

WHEREAS, this Council, in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2015, and thereon to the Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council, and what part thereof is without and what part within the ten mill tax limitation; therefore be it

RESOLVED, by the Council of City of Euclid, Cuyahoga County, Ohio that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted, and be it further

RESOLVED, that there be and is hereby levied on the tax duplicate of said City the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A

SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION AND COUNTY AUDITOR’S ESTIMATED TAX RATES

Est. Tax Valuation: \$586,839,480

FUND	County Auditor’s Estimate of Tax Rate to be Levied	
	INSIDE 10 MILL LIMIT	OUTSIDE 10 MILL LIMIT
Bond Retirement	3.88	
General		6.72
Permanent Improvement		1.00
Recreation		1.30
Recreation Capital		.70
Sub Total	3.88	9.72
TOTAL		13.60

and be it further

RESOLVED, that the Clerk of Council be and he is hereby directed to certify a copy of this resolution to the County Fiscal Officer of said County.

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

That this resolution shall go into immediate effect.

Ordinance No.

By - Councilman Gorshe (by request)

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for the cutting of grass, weeds, trees and abating other nuisances such as garbage and debris as provided in Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid.

WHEREAS, Section 529.03 of the Codified Ordinances of the City of Euclid authorizes the Housing Manager or certified Building Official, to abate nuisances involving sidewalks, weeds, tall grass, landscaping, unsecured vacant property, or abandoned unusable property or other debris where the property owner fails to do so upon notification, and levy an assessment against the property for the cost to the City if the property owner fails to pay the City; and

WHEREAS, Section 1755.28 of the Codified Ordinances of the City of Euclid authorizes City to cut grass and weeds that extend or stand more than six inches above grade where the property owner fails to do so, and upon notification, levy an assessment against the property for the cost to the City if the property owner fails to pay the City; and

WHEREAS, under all of the above ordinance sections, the City did give notice to various property owners setting forth the nature of the nuisance, the estimate of the cost of abating the nuisance if done by the City, a reasonable time determined by the Housing Manager or certified Building Official within which the owner shall abate the nuisance or pay the estimated cost to the City, and the statement that unless the nuisance is abated within the stated time it may be abated by the City and the cost of abatement assessed on the real estate involved; and

WHEREAS, said property owners failed to abate the nuisances on their respective property and failed to compensate City for its nuisance abatement, and as such, the properties shall be assessed on the tax duplicate for the city's cost of abatement of the nuisance; and

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department, and to meet the deadline of Cuyahoga County Fiscal Office.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the assessment of the cost and expense of cutting grass, weeds, trees and abating other nuisances such as garbage and debris under Sections 529.03 and 1755.28 of the Codified Ordinances of the City of Euclid, be as follows:

See list of 649 parcels for a total of \$293,570.00 on file with Clerk of Council

As found by this Council, notice of the intended filing of assessments has been given as required by Sections 529.03 and 1755.28, be and the same is hereby adopted and confirmed, and that there be and there is hereby levied and assessed upon the lots and lands attached hereto the several amounts reported as aforesaid, which assessments together with the descriptions of said lots and lands are now on file in the office of the Clerk of Council, and which assessments are in proportion to the special benefits to said property and are not in excess of any statutory limitations.

Section 2: That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be served upon the Fiscal Office of Cuyahoga County, Ohio, who shall place the same upon the tax duplicate of said County, to be collected in the same manner as other taxes and assessments, together with all lawful interest and penalties, pursuant to the Ohio Revised Code.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.



Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Ordinance No.

By Councilperson Gorshe (by request)

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for demolition, including the costs of asbestos assessment, abatement and monitoring of properties as provided in Chapter 1753 of the Codified Ordinances of the City of Euclid.

WHEREAS, Chapter 1753 of the Codified Ordinances of the City of Euclid requires the owner of a property to incur the costs of demolition of a structure; and,

WHEREAS, Section 1753.08 of the Codified Ordinances of the City of Euclid authorizes the Commissioner or Buildings and/or Housing Manger to certify to the Cuyahoga County Fiscal Office the cost of demolition if the expenses and cost of demolition are not paid by the owner of the premises; and,

WHEREAS, The City did give notice to various property owners setting forth the nature of the nuisance of their property, the City's intent to condemn and/or demolish the property, appeal rights, a reasonable time determined by the Housing Manager or certified Building Official within which the owner shall rehabilitate or demolish the premises, and the statement that unless the nuisance is abated within the stated time it may be abated by the City and the cost of demolition assessed on the real estate involved; and,

WHEREAS, As said property owners failed to abate the nuisances on their respective properties and failed to compensate the City for the costs incurred in the demolition of their structures, the properties shall be assessed on the tax duplicate for the city's cost of demolition, asbestos assessment, abatement and monitoring; and,

WHEREAS, The subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department, and to meet the deadline of Cuyahoga County Fiscal Office.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the assessment of the cost and expense of demolition, asbestos assessment, abatement and monitoring, under Chapter 1753 of the Codified Ordinances of the City of Euclid, be as follows:

See attached list of 7 parcels for a total of \$80,701.00

As found by this Council, notice of the intended filing of assessments has been given as required by Chapter 1753, be and the same is hereby adopted and confirmed, and that there be and there is hereby levied and assessed upon the lots and lands attached hereto the several amounts reported as aforesaid, which assessments together with the descriptions of said lots and lands are now on file in the office of the Clerk of Council, and which assessments are in proportion to the special benefits to said property and are not in excess of any statutory limitations.

Section 2. That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be served upon the Cuyahoga County Fiscal Office who shall place the same upon the tax duplicate of said County, to be collected in the same manner as other taxes and assessments, together with all lawful interest and penalties, pursuant to the Ohio Revised Code.

Section 3: 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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Passed:

Approved:

\_\_\_\_\_  
Mayor

Demolition Property Lien Totals

ADDRESS	PARCEL #	LIEN AMOUNT
18900 Meredith	641-10-062	\$12,640.00
20900 N. Vine	641-24-063	\$11,451.00
19980 Grand	649-04-026	\$ 9,876.00 19500
Tyronne	641-14-148	\$13,628.00
27460/62 Tungsten	648-32-006	\$12,047.00
23751 Hartland	643-31-003	\$ 9,987.00
394 E 232	644-27-025	\$11,072.00
TOTAL		\$80,701.00

Ordinance No.

Councilperson Gorshe (by request)

An emergency ordinance to certify as a lien on the Cuyahoga County tax duplicate the assessments for criminal nuisance abatement as provided in Chapter 529 of the Codified Ordinances of the City of Euclid.

WHEREAS, Section 529.07 of the Codified Ordinances of the City of Euclid provides that certain activities occurring in the City of Euclid on any residential or commercial property, and engaged in by an owner, occupant, or invitee of the owner, occupant or person in charge of any commercial or residential property, are public nuisances; and,

WHEREAS, The Housing Manager or certified Building Official, upon finding that two or more nuisance activities, or one felony drug activity have occurred within any twelve month period, caused written notice to be served on the owner of the property declaring that such property is a nuisance property; and,

WHEREAS, The City did give notice to the property owner that if additional nuisance activity occurs, the City may abate the nuisance by responding to the activity using administrative and law enforcement actions, and the costs of such abatement, \$200 per instance, shall be assessed on the nuisance property; and,

WHEREAS, the subject matter of this ordinance constitutes an emergency in that the same provides for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and for the daily operation of a municipal department, and to meet the deadline of Cuyahoga County Fiscal Office.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the assessment of the cost and expense of nuisance abatement under Chapter 529 of the Codified Ordinances of the City of Euclid, be as follows:

<u>Address</u>	<u>Permanent Parcel No.</u>	<u>Amount</u>
26190 Lakeshore Blvd.	645-20-077	\$200.00
265 E. 246th St.	644-18-027	\$800.00
27031 Shirley Ave.	645-31-063	\$200.00
19800 Meredith Ave.	641-12-094	\$400.00
21931 Roberts Ave.	642-13-057	\$400.00
24151 Russell Ave.	643-32-116	\$200.00

As found by this Council, notice of the intended filing of assessments has been given as required by Chapter 529, be and the same is hereby adopted and confirmed, and that there be and there is hereby levied and assessed upon the lots and lands attached hereto the several amounts reported as aforesaid, which assessments together with the descriptions of said lots and lands are now on file in the office of the Clerk of Council, and which assessments are in proportion to the special benefits to said property and are not in excess of any statutory limitations.

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 any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. That the Clerk of Council is hereby authorized and directed to cause a copy of this Ordinance to be served upon the Cuyahoga County Fiscal Office who shall place the same upon the tax duplicate of said County, to be collected in the same manner as other taxes and assessments, together with all lawful interest and penalties, pursuant to the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Attest: