

DATE: APRIL 7, 2008

CLERK: MARY BETH BAILEY

MASSILLON CITY COUNCIL
CITY OF MASSILLON, OHIO
GLENN E. GAMBER, PRESIDENT

COUNCIL CHAMBERS

LEGISLATIVE DEPARTMENT

ORDINANCE NO. 61 - 2008

BY: ENVIRONMENTAL COMMITTEE

TITLE: AN ORDINANCE amending CHAPTER 925 "SEWERS GENERALLY" of the Codified Ordinances of the City of Massillon, Ohio, by amending existing Subsection 925.51 "Administrative Penalties", and declaring an emergency.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MASSILLON, STATE OF OHIO, THAT:

Section 1:

Existing Subsections 925.51 "Administrative Penalties" is hereby amended to include the administrative penalty schedule.

SEE EXHIBIT "A" ATTACHED HERETO

Section 2:

This Ordinance is hereby declared to be an emergency measure for preservation of the health, safety, and welfare of the community and for the additional reason that the administrative penalty schedule needs to be added to Section 925.51 "ADMINISTRATIVE PENALTIES" as required by the Ohio Environmental Protection Agency to keep the city in compliance with its regulations. Provided it receives the affirmative vote of two thirds of the elected members to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED IN COUNCIL THIS 5th DAY OF May, 2008

APPROVED: Mary Beth Bailey Glenn Doman
MARY BETH BAILEY, CLERK OF COUNCIL GLENN E. GAMBER, PRESIDENT

APPROVED: May 6, 2008 Francis H. Cicchinelli, Jr.
FRANCIS H. CICCHINELLI, JR., MAYOR

Effective Date: _____

Authorized by: _____

City of Massillon Administrative Penalty Schedule

Any Industrial User violating any of the following regulations will receive administrative penalties accordingly.

Discharge slug load which causes WWTP (POTW) upset	\$ 500
Discharge slug load which causes pass-through	\$1,000
(Either of the above would also be subject to pay Massillon's NPDES fines for the excursion(s))	
Deliberately discharge constituents known to be in violation of local or categorical limits	\$1,000
Report or administrative penalty submitted late:	
1 to 10 days	\$ 250
11 to 20 days	\$ 500
21 to 30 days	\$ 750
> 30 days	\$1,000
Failure to report (within 24 hours):	
A change in discharge	\$ 100
Any permit discharge violation	\$ 250
A slug load (no harm to POTW)	\$ 250
A slug load (harm to POTW)	\$ 500
Failure to report:	
Analysis for required parameters (per parameter)	\$ 100
Incomplete or missing files (recurrent)	\$ 100
Additional monitoring (EPA approved method)	\$ 250
Reporting violations:	
Report is improperly completed	\$ 100
Report is improperly signed or certified	\$ 100
Report is improperly signed or certified after notice by POTW	\$ 250
Unpermitted discharge:	
Unaware of requirement (no harm)	NOV
Unaware of requirement (harm to POTW)	\$ 500
Failure to apply for permit and discharge continues after notice by POTW	\$ 750
Monitoring:	
Failure to monitor all pollutants as required by permit (per parameter)	\$ 100
Failure to install monitoring equipment for more than 30 days (each day)	\$ 200
Improper sampling or analysis (i.e. wrong techniques or methods)	\$ 200
Recurring failure to monitor	\$ 500
POTW personnel denied entry to facility for inspection or sampling	\$1,000

Sample results which exceed local or categorical limits will result in the assessment of administrative penalty or penalties as defined by the tables below.

Exceed Permit Limit By (Excluding pH violations)

Flows	< 25%	25-50%	51-75%	76-100%	> 100%
<1,000 GPD	NOV	NOV	\$100	\$250	\$500
1,000-50,000 GPD	NOV	\$100	\$200	\$400	\$650
10,001-50,000 GPD	NOV	\$150	\$300	\$500	\$750
50,001-100,000 GPD	NOV	\$200	\$400	\$750	\$900
>100,000 GPD	NOV	\$250	\$500	\$900	\$1,000

pH Violations (Grab samples only)

	6.0-6.49	5.5-5.99	<5.5
Flows	10.01-10.50	10.51-12.50	>12.50
<1,000 GPD	NOV	\$100	\$200
1,000-10,000 GPD	NOV	\$200	\$400
10,001-50,000 GPD	NOV	\$300	\$600
50,001-100,000 GPD	NOV	\$400	\$800
>100,000 GPD	NOV	\$500	\$1,000

Other permit violations:

Waste streams are diluted in lieu of treatment	\$ 500
Failure to properly maintain pretreatment facility	\$ 500
Failure to correct noncompliance or halt discharge:	
No harm to POTW	\$ 500
Harm to POTW	\$1,000

Repeated violations will be penalized, in addition to the administrative penalty, \$200 for each event. This penalty will carry over and increase by \$200 with every event in a series of recurrent violations.

Administrative penalty range increments increase per event, not per day.

Three successive administrative penalties will result in the issuance of a compliance schedule.

Fines will be levied for missed milestone dates during compliance schedule implementation.

Maximum administrative penalty per event is \$5,000. Fines may be levied by the courts in excess of these amounts.

Any or all administrative penalties may be waived or modified per the discretion of the Director of Public Safety and Service.

Any user who violates any provision of the City of Massillon Sewer Use Code ordinance may be liable for a fine(s) up to a maximum amount of \$1,000 for each violation, with each day being separate violation. (925.51)

ADMINISTRATIVE PENALTY EXAMPLE

EXAMPLE INDUSTRY:

	FLOW		15,000 GPD
	3 DAY SAMPLING EVENT		
<u>EVENT #1</u>	DAY 1	Zinc Over Limits 25% pH - 12.8 S.U.	\$150.00 OL Fine \$600.00 OL Fine
	DAY 2	No Violations	
	DAY 3	Zinc Over Limits 10%	<u>NOV</u> \$750.00 OL Fine Total
<u>EVENT #2</u>	DAY 1	No Violations	
	DAY 2	Zinc Over Limits 46% Lead Over Limits 10%	\$150.00 OL Fine NOV
	DAY 3	No Violations	<u>\$0.00</u> \$150.00 OL Fine Total <u>\$200.00 RVP</u> \$350.00 Total Fine
<u>EVENT #3</u>	DAY 1	No Violations	
	DAY 2	Zinc Over Limits 94% pH 6.2 S.U.	\$500.00 OL Fine NOV
	DAY 3	Lead Over Limits 15%	<u>NOV</u> \$500.00 OL Fine Total \$400.00 RVP <u>\$200.00 RVP Lead</u> \$1,100.00 Total Fine

Example industry will be placed on compliance schedule due to three successive administrative penalties.

- OL Fine - Over Limits Fine
- RVP - Repeat Violation Penalty

City of Massillon, Ohio
Wastewater Treatment Department
Continuous Monitoring of Wastewater pH
-Guidelines-

Purpose:

The purpose of these guidelines is to provide information regarding the continuous monitoring of wastewater pH and preparation of self-monitoring worksheets.

City of Massillon Rules and Regulations:

The applicable City of Massillon rules and regulations governing the pH of wastewater discharge are as follows:

925.20 - General Discharge Prohibitions
925.25 - Supplementary Limitations
925.28 - Treatment of Industrial Wastes
925.40 - Monitoring Facilities
925.41 - Inspection and sampling
925.51 - Administrative Penalties

Allowable pH range:

6.50 to 10.00 Standard Units

Any waste or wastewater that causes an adverse impact on the wastewater treatment process or causes the City of Massillon WWTP to be in violation on any of its NPDES permit criteria, the Director of Public Service and Safety or the Wastewater Treatment Department Manager, may by means of an administrative action or issuance of an Industrial Waste Discharge Permit, impose more stringent limitations on the pH of the waste or wastewater so as to eliminate the adverse impact or violation of the NPDES permit(s).

Self-Monitoring Requirements:

The following self-monitoring worksheets shall be complete and submitted whenever "pH Excursion Frequency" violations and/or "pH Range/Period" violations occur:

- Self-Monitoring Worksheet #1: pH Range/period Violations

Instructions have been provided at the bottom of each worksheet. Copies of the applicable pH recording charts shall be submitted with self-monitoring worksheets. Example pH recording charts and self-monitoring worksheets are available.

pH Equipment Calibration:

The calibration of pH equipment should be conducted in accordance with the requirements of the equipment manufacturer. Calibration checks should be conducted on a regular schedule. The frequency at which calibration checks are required is a function of the wastewater quality and should be determined for the specific monitoring location. A minimum calibration frequency of once/8-hours is recommended.

Record-keeping:

Each calibration check shall include the date, time, and operator's initials on the pH recording chart. Any records, books, documents, memoranda, reports, correspondence, and other summaries relating to the continuous monitoring of wastewater pH shall be retained for no less than (3) years. All records which pertain to enforcement or litigation activities shall be retained and preserved until all enforcement activities have concluded and all period of limitation with respect to appeals have expired.

CITY OF MASSILLON
WASTEWATER TREATMENT PLANT
SELF-MONITORING WORKSHEET

Instructions:

1. Identify and number each continuous pH period on the pH recording sheet.
2. Determine the "Total Minutes" of each continuous pH period in the appropriate pH range column (pH<3,...pH>13.)
NOTE: pH period "Total Minutes" should be entered in only one pH range column.
3. Divide each "Total Minutes" defined on the Worksheet by the allowable period minutes (30 Min., 14 Min., 3 Min., etc...)
4. Sum the applicable columns.
5. Multiply the Sum times the appropriate "Penalty \$" and enter this amount in the "Total \$" for each column.
6. Copies of the applicable pH recording charts shall be submitted with the Worksheet.
7. A report must be made to the Industrial Waste Control Division within 24 hours any time a continuous violation occurs which lasts greater than 3 times the period allowed for the giving range.
8. The reporting week will be Sunday 00:00 hours to Saturday 24:00 hours.
9. The Total Penalty for each worksheet will be submitted with the report by the Wednesday following the reporting week.

CITY OF MASSILLON WASTEWATER TREATMENT PLANT
SELF MONITORING WORKSHEET

PH RANGE 6.5 AND UNDER										PH RANGE OVER 10									
0 min UNDER 5.0		2 MIN UNDER 5.5		4 MIN UNDER 6.0		6 MIN UNDER 6.5		TOTAL		6 min OVER 10 \$100.00		4 MIN OVER 10.5 \$200.00		2 MIN OVER 11 \$300.00		0 min OVER 11.5 \$400.00		TOTAL	
PH	MIN	PH	MIN	PH	MIN	PH	MIN	PH	MIN	PH	MIN	PH	MIN	PH	MIN	PH	MIN	PH	MIN
PERIOD NO.																			
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TOTAL PENALTY FOR THIS WORKSHEET: _____