Department of Public Service
Jay D. Bennett, Director

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CLERK OF COUNCIL

ORDINANCE NO. 15-123
INTRODUCED BY COUNCIL

AN ORDINANCE AMENDING CHAPTER 922 and CHAPTER 923 OF THE CITY OF ZANESVILLE'S CODIFIED ORDINANCES, REGARDING DISCHARGES TO THE SANITARY SEWER SYSTEMS.

WHEREAS, Pretreatment Streamlining Rules have been developed by the Environmental Protection Agency of both the State of Ohio and the United States of America. In order to satisfy these Rules, the City must amend its ordinances regulating industrial pretreatment; and

WHEREAS, amending the industrial pretreatment regulations will allow for more efficient enforcement by the City and a reduced regulatory burden on industrial users without adversely effecting environmental protection; and

WHEREAS, the State of Ohio, Environmental Protection Agency has reviewed these amendments of the industrial pretreatment regulations and has advised of its provisional approval.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The proper City official is hereby authorized to amend Section 922 (a) of the Zanesville Codified Ordinances to include the following language:

922.01 DEFINITIONS.

(1.5) **"BEST MANAGEMENT PRACTICES OR BMP'S" MEANS SCHEDULES OF ACTIVITIES, PROHIBITIONS OF PRACTICES, MAINTENANCE PROCEDURES, AND OTHER MANAGEMENT PRACTICES TO ENFORCE SPECIFIC LIMITS TO IMPLEMENT THE PROHIBITIONS LISTED IN OAC 3745-3-04. BMP'S ALSO 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. THE DIRECTOR HAS THE AUTHORITY TO REQUIRE BMP'S AS A CONDITION OF INDUSTRIAL USER PERMITS, INCLUDING RECORDKEEPING AND REPORTING REQUIREMENTS.**

(21.2) **"INSTANTANEOUS LIMIT" MEANS THE MAXIMUM CONCENTRATION OF A POLLUTANT AT ANY TIME, DETERMINED FROM THE ANALYSIS OF ANY DISCRETE OR COMPOSITED SAMPLE COLLECTED, INDEPENDENT OF THE INDUSTRIAL FLOW RATE AND THE DURATION OF THE SAMPLING EVENT.**

(25.7) **"NON-SIGNIFICANT INDUSTRIAL USER" IS AN INDUSTRIAL DISCHARGER THAT DOES NOT FIT IN THE CRITERIA OF A SIGNIFICANT INDUSTRIAL USER.**

(42.5) "Significant Industrial User" (**SIU**) means:

A. Except as provided in subsection (42.5)B hereof, "significant industrial user" includes:
   1. All industrial users subject to categorical pretreatment standards; and

2. 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 five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or has the reasonable potential, in the opinion of the Director, to adversely affect the POTW's operation or for violating any pretreatment standard requirement.

B. The Director may at any time, on its own initiative or in response to a petition received from an industrial user, determine that a noncategorical 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 requirements.

(42.7) **"SIGNIFICANT NONCOMPLIANCE." THE TERM SIGNIFICANT NONCOMPLIANCE SHALL BE APPLICABLE TO ALL SIGNIFICANT INDUSTRIAL USERS (OR ANY OTHER INDUSTRIAL USERS THAT VIOLATE ONE OR MORE OF THE CRITERIA AS SET FORTH IN CHAPTER 923.23 (d)**

(43) "Slugload" means any **DISCHARGE AT A FLOW RATE OR CONCENTRATION, WHICH CAUSE A VIOLATION OF THE PROHIBITED DISCHARGED STANDARDS IN SECTION 923.11 OF THIS ORDINANCE. A SLUG DISCHARGE IS A DISCHARGE OF A NON-ROUTINE, EPISODIC NATURE, INCLUDING BUT NOT LIMITED TO AN ACCIDENTAL SPILL OR A NON-CUSTOMARY BATCH DISCHARGE, WHICH HAS A REASONABLE POTENTIAL TO CAUSE INTERFERENCE OR PASS THROUGH, OR IN ANY OTHER WAY VIOLATE THE POTW'S REGULATIONS, LOCAL LIMITS, OR WASTEWATER PERMIT CONDITIONS.** ~~pollutant, including oxygen demanding pollutants released in a discharge at a flow rate and or pollutant concentration as to cause interference in the POTW.~~

(46.5) **"TOMP" MEANS TOXIC ORGANIC MANAGEMENT PLAN.**

(55.5) **"WASTEWATER DISCHARGE PERMIT (INDUSTRIAL USER PERMIT)." A FORMAL PERMIT TO DISCHARGE INDUSTRIAL WASTE INTO ANY SEWER OR THE SEWAGE SYSTEM, AS ISSUED BY THE CITY AUTHORIZED BY THE STATE OF OHIO OR UNITED STATES E.P.A. TO ISSUE THOSE PERMITS. AS SPECIFIED MORE PARTICULARLY IN THIS CHAPTER, THE DIRECTOR MAY ISSUE EITHER AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT OR A GENERAL WASTEWATER DISCHARGE PERMIT.**

SECTION TWO: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.12 SPECIFIC LIMITATIONS ON WASTEWATER STRENGTH.

(h) **USERS MAY BE REQUIRED BY THE DIRECTOR TO COMPLY WITH BEST MANAGEMENT PRACTICES.**

SECTION THREE: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.11 GENERAL PROHIBITIONS ON DISCHARGES.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer, ditch, drain or culvert:

q. Holding tank, trucked or hauled wastes, except at discharge points designated by the Director in accordance with Chapter 923.04 of this code.

SECTION FOUR: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.14 ~~DILUTION~~. WASTEWATER DISCHARGE PERMIT REQUIRED.

~~No person shall in any way increase the use of potable or process water, or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to comply with standards specified in this chapter.~~

(a) WASTEWATER DISCHARGERS. IT SHALL BE UNLAWFUL TO DISCHARGE SEWAGE, INDUSTRIAL WASTES, OR OTHER WASTES IN EXCESS OF THE BACKGROUND CONCENTRATIONS, WITHOUT FIRST OBTAINING AN INDIVIDUAL WASTEWATER DISCHARGE PERMIT OR A GENERAL WASTEWATER DISCHARGE PERMIT TO ANY SEWER WITHIN THE JURISDICTION OF THE CITY AND/OR THE POTW. IT SHALL BE UNLAWFUL TO DISCHARGE SEWAGE, INDUSTRIAL WASTES, OR OTHER WASTES IN EXCESS OF SUPPLEMENTARY LIMITATIONS. IT SHALL BE UNLAWFUL TO DISCHARGE TO NAVIGABLE WATERS OF THE UNITED STATES WITHOUT A STATE OF OHIO EPA OR USEPA NPDES PERMIT.

(b) WASTEWATER DISCHARGE PERMITS. ALL SIGNIFICANT INDUSTRIAL USERS (SIU), AS REQUIRED BY THE DIRECTOR, PROPOSING TO CONNECT TO OR TO DISCHARGE SEWAGE, INDUSTRIAL WASTES, AND/OR OTHER WASTES TO THE POTW SHALL OBTAIN FROM THE DIRECTOR A WASTEWATER DISCHARGE PERMIT BEFORE CONNECTION TO OR DISCHARGING TO THE POTW. ALL EXISTING SIGNIFICANT INDUSTRIAL USERS CONNECTED TO OR DISCHARGEING TO THE POTW SHALL OBTAIN FROM THE DIRECTOR A WASTEWATER DISCHARGE PERMIT AS DIRECTED BY THE DIRECTOR. THIS REQUIREMENT SHALL NOT APPLY TO DISCHARGERS CLASSIFIED BY THE DIRECTOR AS NON-SIGNIFICANT INDUSTRIES OR DISCHARGERS OTHER THAN INDUSTRIAL DISCHARGERS UNLESS REQUIRED BY THE DIRECTOR. INDUSTRIES SUBJECT TO NATIONAL PRETREATMENT STANDARDS, WHICH DISPOSE OF WASTEWATERS OFF SITE, SHALL OBTAIN A DISCHARGE PERMIT SPECIFYING "NO DISCHARGE" AND MEETING THE REQUIREMENTS OF PENALTY. SEE SECTION 923.99.

(c) PERMIT APPLICATION AND CONDITIONS

(1) SIU SHALL COMPLETE AND FILE WITH THE DIRECTOR, A PERMIT APPLICATION AND A WASTEWATER DISCHARGE DISCLOSURE DECLARATION THEREFORE IN THE FORM PRESCRIBED BY THE DIRECTOR, AND ACCOMPANIED BY AN APPROPRIATE FEE, IF ANY. PROPOSED NEW DISCHARGERS SHALL APPLY AT LEAST NINETY (90) DAYS PRIOR TO CONNECTING TO THE POTW. ANY NON-SIGNIFICANT INDUSTRY, WHICH, VIA CHANGES IN PROCESS OR FACILITIES USE, WILL CEASE TO BE A NON-SIGNIFICANT INDUSTRY, SHALL APPLY FOR A PERMIT WITHIN NINETY (90) DAYS PRIOR TO THE CHANGE. FEES AND CHARGES FOR INITIAL PERMITS SHALL BE ESTABLISHED FROM TIME-TO-TIME BY THE DIRECTOR. THE FOLLOWING PERMIT CONDITIONS SHALL APPLY TO ALL PERMITS AS A CONDITION PRECEDENT TO ISSUANCE:

(i) SHALL INCLUDE THE LIMITS ON THE AVERAGE AND MAXIMUM WASTEWATER CONSTITUENTS AND CHARACTERISTICS REGULATED THEREBY INCLUDING CATEGORICAL PRETREATMENT STANDARDS, LOCAL LIMITATIONS, AND STATE AND LOCAL LAW. PERMITS MAY INCLUDE A LIMIT ON TOTAL FLOW. AN INCREASE IN FLOW GREATER THAN TWENTY-FIVE PERCENT OF THE PERMITTED FLOW REQUIRES PRIOR WRITTEN APPROVAL OF THE CITY. THE DIRECTOR MAY DEVELOP BEST MANAGEMENT PRACTICES (BMP'S) BY ORDINANCE OR IN INDIVIDUAL WASTEWATER DISCHARGE

PERMITS, TO IMPLEMENT LOCAL LIMITATIONS AND THE REQUIREMENTS OF CHAPTER 923.11.

(2) SHALL INCLUDE THE REQUIREMENTS FOR INSTALLATION AND MAINTENANCE OF INSPECTION AND SAMPLING FACILITIES.

(3) SHALL INCLUDE SPECIAL CONDITIONS AS THE CITY THROUGH THE DIRECTOR MAY REASONABLY REQUIRE UNDER PARTICULAR CIRCUMSTANCES OF A GIVEN DISCHARGE INCLUDING SELF-MONITORING, SAMPLING LOCATIONS, FREQUENCY OF SAMPLING, NUMBER, TYPES, AND STANDARDS FOR TESTS' REPORTING SCHEDULE, AND NOTIFICATION AND RECORDKEEPING REQUIREMENTS.

(4) MAY INCLUDE COMPLIANCE SCHEDULES.

(5) MAY INCLUDE THOSE REQUIREMENTS FOR SUBMISSION OF SPECIAL TECHNICAL REPORTS OR DISCHARGE REPORTS WHERE SAME DIFFER FROM THOSE PRESCRIBED BY THIS SUBCHAPTER.

(6) ALL WASTEWATER DISCHARGE PERMITS ARE ISSUED TO A SPECIFIC DISCHARGER FOR A SPECIFIC OPERATION AND PERIOD OF TIME. PERMITS ARE NOT ASSIGNABLE OR TRANSFERABLE TO ANOTHER DISCHARGER OR LOCATION WITHOUT THE PRIOR NOTIFICATION TO THE POTW AND WRITTEN APPROVAL OF THE DIRECTOR.

(7) SHALL INCLUDE STATEMENT OF APPLICABLE CIVIL AND CRIMINAL PENALTIES FOR VIOLATION OF PRETREATMENT STANDARDS AND REQUIREMENTS.

(d) EACH APPLICATION SHALL INCLUDE:

(1) THE NAME, ADDRESS, AND LOCATION OF THE DISCHARGER;

(2) THE STANDARD INDUSTRIAL CLASSIFICATION (SIC) NUMBER OF THE APPLICANT ACCORDING TO THE STANDARD INDUSTRIAL CLASSIFICATION MANUAL, BUREAU OF THE BUDGET, 1987, AS AMENDED;

(3) THE WASTEWATER CONSTITUENTS AND CHARACTERISTICS, INCLUDING, BUT NOT LIMITED TO, THOSE MENTIONED IN THIS SUBCHAPTER, IN THE ANTICIPATED DISCHARGE AS DETERMINED BY BONA FIDE CHEMICAL AND BIOLOGICAL ANALYSES. SAMPLING AND ANALYSIS SHALL BE PERFORMED IN ACCORDANCE WITH PROCEDURES ESTABLISHED BY THE U.S. EPA AND CONTAINED IN 40 CFR, PART 136, AS AMENDED;

(4) THE ANTICIPATED TIME AND DURATION OF DISCHARGES, THE AVERAGE AND PEAK FLOWS, AND SEASONAL VARIATIONS, IF ANY;

(5) PROVIDE, IF REQUESTED, 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 OF THE APPLICANTS PREMISES;

(6) A DESCRIPTION OF THE ACTIVITIES, FACILITIES AND PLAN PROCESSES ON THE PREMISES INCLUDING ALL MATERIALS WHICH ARE DISCHARGED TO THE SEWAGE SYSTEM AND THEIR DISCHARGE POINTS IN THE APPLICANTS SEWER COLLECTION SYSTEM;

(7) DISCLOSURE OF PRODUCT BY TYPE, AMOUNT, PROCESS OR PROCESSES AND RATE OF PRODUCTION AS REQUESTED;

(8) DISCLOSURE OF THE TYPE AND AMOUNT OF RAW MATERIALS UTILIZED AS REQUESTED;

(9) PROVIDE, IF REQUESTED, ALL WASTE MANIFESTS OR APPROVED SUMMARY SHEETS AND MATERIAL SAFETY DATA SHEETS;

(10) ALL PERMIT APPLICATIONS FOR NEW OR MODIFIED PERMITS SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE DISCHARGER AND ALL RENEWAL APPLICATIONS FOR EXISTING PERMITS SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE DISCHARGER;

(11) ALL DISCHARGERS REQUIRED TO SUBMIT BASELINE MONITORING REPORTS SHALL PROVIDE THE INFORMATION FOR PERMIT APPLICATION OR MODIFICATION ACCORDING TO 40 CFR 403.12 AS CURRENTLY PROMULGATED OR AS SUBSEQUENTLY AMENDED OR MODIFIED.

THE CITY SHALL EVALUATE THE COMPLETED APPLICATION AND DATA FURNISHED BY THE DISCHARGER AND MAY REQUIRE AT THAT TIME ADDITIONAL INFORMATION. UPON REVIEW, THE CITY MAY ISSUE A WASTEWATER DISCHARGE PERMIT.

(e) PERMIT MODIFICATIONS.

(1) THE CITY RESERVES THE RIGHT TO AMEND ANY WASTEWATER DISCHARGE PERMIT ISSUED HEREUNDER IN ORDER TO ASSURE COMPLIANCE BY THE CITY WITH APPLICABLE LAWS AND REGULATIONS. ALL NATIONAL CATEGORICAL PRETREATMENT STANDARDS ADOPTED AFTER THE PROMULGATION OF THIS SUBCHAPTER SHALL WITHOUT FURTHER ACTION BY THE CITY BECOME PART OF THIS SUBCHAPTER UPON THEIR EFFECTIVE DATE. A DISCHARGER WITH AN EXISTING WASTEWATER DISCHARGE PERMIT SHALL SUBMIT TO THE CITY WITHIN 180 DAYS AFTER THE PROMULGATION OF AN APPLICABLE NATIONAL CATEGORICAL PRETREATMENT STANDARD, THE AMENDED INFORMATION REQUIRED BY THIS CHAPTER. NEW SOURCE DISCHARGERS SHALL SUBMIT TO THE CITY AT LEAST NINETY (90) DAYS PRIOR TO COMMENCEMENT OF DISCHARGE THE AMENDED INFORMATION REQUIRED BY THIS CHAPTER. THE DISCHARGER SHALL BE INFORMED OF ANY PROPOSED CHANGES IN THIS PERMIT AT LEAST THIRTY (30) DAYS PRIOR TO THE EFFECTIVE DATE OF CHANGE IN SUCH PERMIT. ANY CHANGES OR NEW CONDITIONS IN THE PERMIT SHALL INCLUDE A REASONABLE TIME SCHEDULED FOR COMPLIANCE.

(2) THE DIRECTOR MAY AT ANY TIME, ON ITS OWN INITIATIVE OR IN RESPONSE TO A PETITION RECEIVED FROM AN SIU, 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 IN THE OPINION OF THE CITY OR FOR VIOLATING ANY PRETREATMENT STANDARD OR REQUIREMENT.

(3) EXCEPT FOR IN THE CASE OF CENTRALIZED WASTE TREATMENT FACILITIES REGULATED BY AND DEFINED IN 40 CFR 437, THE DIRECTOR MAY AUTHORIZE A SIU SUBJECT TO A CATEGORICAL PRETREATMENT STANDARD TO FOREGO SAMPLING OF A POLLUTANT REGULATED BY A CATEGORICAL PRETREATMENT STANDARD IF THE SIU HAS DEMONSTRATED THROUGH SAMPLING AND OTHER TECHNICAL FACTORS THAT THE POLLUTANT IS NEITHER PRESENT NOR EXPECTED TO BE PRESENT IN THE DISCHARGE, OR IS PRESENT ONLY AT BACKGROUND LEVELS

FROM INTAKE WATER AND WITHOUT ANY INCREASE IN THE POLLUTANT DUE TO ACTIVITIES OF THE SIU. THIS AUTHORIZATION IS SUBJECT TO THE FOLLOWING CONDITIONS:

(i) THE WAIVER MAY BE AUTHORIZED WHERE A POLLUTANT IS DETERMINED TO BE PRESENT SOLELY DUE TO SANITARY WASTEWATER DISCHARGED FROM THE FACILITY PROVIDED THAT THE SANITARY WASTEWATER IS NOT REGULATED BY AN APPLICABLE CATEGORICAL STANDARD AND OTHERWISE INCLUDES NO PROCESS WASTEWATER.

(ii) THE MONITORING WAIVER IS VALID ONLY FOR THE DURATION OF THE EFFECTIVE PERIOD OF THE INDIVIDUAL WASTEWATER DISCHARGE PERMIT, BUT IN NO CASE LONGER THAN FIVE (5) YEARS. THE SIU MUST SUBMIT A NEW REQUEST FOR THE WAIVER BEFORE THE WAIVER CAN BE GRANTED FOR EACH SUBSEQUENT INDIVIDUAL WASTEWATER DISCHARGE PERMIT.

(iii) IN MAKING A DEMONSTRATION THAT A POLLUTANT IS NOT PRESENT, THE SIU MUST PROVIDE DATA FROM AT LEAST ONE SAMPLING OF THE FACILITY'S PROCESSED WASTEWATER PRIOR TO ANY TREATMENT PRESENT AT THE FACILITY THAT IS REPRESENTATIVE OF ALL WASTEWATER FROM ALL PROCESSES.

(iv) THE REQUEST FOR A MONITORING WAIVER MUST BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE DISCHARGER.

(v) NON-DETECTABLE SAMPLE RESULTS MAY BE USED ONLY AS A DEMONSTRATION THAT A POLLUTANT IS NOT PRESENT IF THE U.S. EPA APPROVED METHOD FROM 40 CFR PART 136 WITH THE LOWEST MINIMUM DETECTION LEVEL FOR THAT POLLUTANT WAS USED IN THE ANALYSIS.

(vi) ANY GRANT OF THE MONITORING WAIVER BY THE DIRECTOR MUST BE INCLUDED AS A CONDITION IN THE SIU'S PERMIT. THE REASONS SUPPORTING THE WAIVER AND ANY INFORMATION SUBMITTED BY THE SIU IN ITS REQUEST FOR THE WAIVER MUST BE MAINTAINED BY THE DIRECTOR FOR THREE (3) YEARS AFTER EXPIRATION OF THE WAIVER.

(vii) UPON APPROVAL OF THE MONITORING WAIVER AND REVISION OF THE SIU'S PERMIT BY THE DIRECTOR, THE SIU MUST CERTIFY ON EACH REPORT THE FOLLOWING STATEMENT, ESTABLISHING THAT THERE HAS BEEN NO INCREASE IN THE POLLUTANT IN ITS WASTE STREAM DUE TO ACTIVITIES OF THE SIU:

"BASED ON MY INQUIRY OF THE PERSON OR PERSONS DIRECTLY RESPONSIBLE FOR MANAGING COMPLIANCE WITH THE PRETREATMENT STANDARDS UNDER 40 CFR SPECIFY APPLICABLE NATIONAL PRETREATMENT STANDARD PART OR PARTS, I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THERE HAS BEEN NO INCREASE IN THE LEVEL OF LIST POLLUTANT OR POLLUTANTS IN THE WASTEWATERS DUE TO THE ACTIVITIES AT THE FACILITY SINCE SUBMITTAL OF THE LAST PERIODIC REPORT UNDER PARAGRAPH (E) OF RULE 3745-3-06 OF THE ADMINISTRATIVE CODE."

(viii) IN THE EVENT THAT A WAIVED POLLUTANT IS FOUND TO BE PRESENT OR IS EXPECTED TO BE PRESENT BECAUSE OF CHANGES THAT OCCUR IN THE SIU'S OPERATIONS, THE SIU MUST IMMEDIATELY NOTIFY THE DIRECTOR IN WRITING AND START MONITORING THAT POLLUTANT AT THE FREQUENCY SPECIFIED BY THE APPLICABLE PRETREATMENT STANDARD.

(ix) MONITORING WAIVERS DO NOT APPLY TO POLLUTANTS WHERE THERE ARE CERTIFICATION PROCESSES AND REQUIREMENTS ESTABLISHED BY THE CONTROL AUTHORITY OR BY CATEGORICAL PRETREATMENT STANDARDS (E.G. TOMP/CERTIFICATION ALTERNATIVE TO TOTAL TOXIC ORGANICS MONITORING) UNLESS ALLOWED FOR BY THE APPLICABLE CATEGORICAL PRETREATMENT STANDARD.

(x) THIS WAIVER APPLIES ONLY TO SIU SELF-MONITORING AND DOES NOT REMOVE THE DIRECTOR'S OBLIGATION TO MONITOR FOR THE PARAMETER. HOWEVER, THIS WAIVER CAN BE EXTENDED TO MONITORING COMPLETED BY THE DIRECTOR IN ORDER TO SATISFY SIU SELF-MONITORING.

(f) PERMIT DURATION.

(1) NEW AND MODIFIED WASTEWATER DISCHARGE PERMITS SHALL BE ISSUED FOR A SPECIFIC TIME PERIOD, NOT TO EXCEED FIVE YEARS. THE DISCHARGER SHALL APPLY FOR PERMIT REISSUANCE A MINIMUM OF 180 DAYS PRIOR TO THE EXPIRATION OF THE EXISTING PERMIT.

(g) COMPLIANCE SCHEDULES.

(1) WHERE ADDITIONAL PRETREATMENT AND/OR OPERATION AND MAINTENANCE ACTIVITIES WILL BE REQUIRED TO COMPLY WITH THIS SUBCHAPTER, 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. 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 COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER OR CATEGORICAL PRETREATMENT STANDARD INCLUDING, BUT NOT LIMITED TO, DATES RELATING TO HIRING AN ENGINEER, HIRING OTHER APPROPRIATE PERSONNEL, COMPLETING PRELIMINARY PLANS, COMPLETING FINAL PLANS, EXECUTING CONTRACT FOR MAJOR COMPONENTS, COMMENCING CONSTRUCTION, COMPLETING CONSTRUCTION, START-UP OF OPERATIONS, AND ALL OTHER ACTS NECESSARY TO ACHIEVE COMPLIANCE WITH THIS CHAPTER.

(2) UPON COMPLETING FINAL PLANS ALL REQUIRED PERMITS SHALL BE OBTAINED BY THE DISCHARGER.

IF REQUIRED BY OHIO EPA, A PERMIT TO INSTALL SHALL BE OBTAINED BY THE DISCHARGER PRIOR TO CONSTRUCTION. FINAL PLANS SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE DISCHARGER AND CERTIFIED TO BY A QUALIFIED ENGINEER WHO IS A LICENSED PROFESSIONAL.

(3) UNDER NO CIRCUMSTANCES SHALL THE CITY PERMIT A TIME INCREMENT IN THE COMPLIANCE SCHEDULE FOR ANY SINGLE STEP DIRECTED TOWARD COMPLIANCE, WHICH EXCEEDS NINE MONTHS.

(4) NOT LATER THAN FOURTEEN DAYS FOLLOWING EACH MILESTONE DATE IN THE SCHEDULE AND THE FINAL DATE FOR COMPLIANCE, THE DISCHARGER SHALL SUBMIT A PROGRESS REPORT TO THE CITY, INCLUDING NO LESS THAN A STATEMENT AS TO WHETHER OR NOT IT COMPLIED WITH THE INCREMENT OF PROGRESS REPRESENTED BY THAT MILESTONE DATE 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 NINE MONTHS ELAPSE BETWEEN SUCH PROGRESS REPORTS TO THE CITY.

(h) GENERAL WASTEWATER DISCHARGE PERMITS.

(1) THE DIRECTOR MAY ISSUE A GENERAL PERMIT TO CONTROL SIU DISCHARGES TO THE POTW IF THE FOLLOWING CONDITIONS ARE MET. ALL FACILITIES TO BE COVERED BY A GENERAL PERMIT MUST:

(i) HAVE THE SAME OR SUBSTANTIALLY SIMILAR TYPES OF OPERATIONS;

(ii) DISCHARGE THE SAME TYPES OF WASTES;

(iii) REQUIRE THE SAME EFFLUENT LIMITATIONS; AND

(iv) REQUIRE THE SAME OR SIMILAR MONITORING.

(v) IN THE OPINION OF THE DIRECTOR, BE MORE APPROPRIATELY CONTROLLED UNDER A GENERAL PERMIT THAN UNDER INDIVIDUAL WASTEWATER DISCHARGE PERMITS.

(2) THE DIRECTOR MAY NOT ISSUE A GENERAL PERMIT FOR DISCHARGERS THAT ARE SUBJECT TO PRODUCTION-BASED CATEGORICAL PRETREATMENT STANDARDS, CATEGORICAL PRETREATMENT STANDARDS EXPRESSED AS MASS OF POLLUTANT DISCHARGED PER DAY OR INDUSTRIAL USERS WHOSE LIMITS ARE BASED ON THE COMBINED WASTE STREAM FORMULA OR NET/GROSS CALCULATIONS.

(3) TO BE COVERED BY A GENERAL CONTROL MECHANISM, THE SIU IS REQUIRED TO FILE A WRITTEN REQUEST FOR COVERAGE TO THE DIRECTOR THAT IDENTIFIES:

(i) SIU'S CONTACT INFORMATION;

(ii) SIU'S PRODUCTION PROCESSES;

(iii) THE TYPES OF WASTE GENERATED;

(iv) THE LOCATION OF MONITORING ALL WASTES TO BE COVERED BY THE CONTROL MECHANISM;

(v) ANY REQUESTS FOR A MONITORING WAIVER FOR ANY POLLUTANT NOT PRESENT; AND

(vi) ANY OTHER INFORMATION REQUESTED BY THE DIRECTOR.

(4) A MONITORING WAIVER FOR A POLLUTANT NEITHER PRESENT NOR EXPECTED TO BE PRESENT IN THE DISCHARGE IS NOT EFFECTIVE IN THE GENERAL PERMIT UNTIL AFTER THE DIRECTOR HAS PROVIDED WRITTEN NOTICE TO THE SIU THAT SUCH A WAIVER REQUEST HAS BEEN GRANTED IN ACCORDANCE WITH CHAPTER 923.17 OF THIS ORDINANCE. THE DIRECTOR SHALL RETAIN A COPY OF THE GENERAL CONTROL MECHANISM, DOCUMENTATION TO SUPPORT THE DIRECTOR'S DETERMINATION THAT A SPECIFIC SIU MEETS THE CRITERIA LISTED ABOVE AND A COPY OF THE SIU'S WRITTEN REQUEST FOR COVERAGE FOR THREE (3) YEARS AFTER THE EXPIRATION OF THE CONTROL MECHANISM.

SECTION FIVE: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.12 SPECIFIC LIMITATIONS ON WASTEWATER STRENGTH.

(d) The Director shall establish additional or more stringent limitations on wastewater strength and more stringent specific limitations and requirements on individual dischargers where deemed necessary by the Director to comply with the applicable Pretreatment Standards or the objectives set forth in Chapter 921. Such standards and requirements shall be published fifteen days prior to their effective date in the largest newspaper of general circulation within the City. Additionally, the Director shall notify in writing each regulated or potentially regulated industrial discharger of the limitations or requirements. All limitations and requirements established by the Director shall be rulings subject to the provisions of Section 923.23. **LOCAL LIMITS OF WASTEWATER STRENGTH CAN BE FOUND WITHIN THE INDUSTRIAL USER DISCHARGE PERMIT PROVIDED BY THE CITY OF ZANESVILLE WASTEWATER TREATMENT PLANT. THE DIRECTOR MAY ALSO DEVELOP BMP'S AND WOULD BE CONSIDERED LOCAL LIMITS AND PRETREATMENT STANDARDS.**

(e) ~~The Director may impose mass limitations on dischargers to meet the applicable Pretreatment Standards or in other cases where the imposition of mass limitations is deemed necessary to comply with the objectives set forth in Chapter 921.~~ WHEN A CATEGORICAL PRETREATMENT STANDARD IS EXPRESSED ONLY IN TERMS OF POLLUTANT CONCENTRATIONS, A SIU MAY REQUEST THE DIRECTOR TO CONVERT THE LIMITS TO EQUIVALENT MASS LIMITS. THE DETERMINATION TO CONVERT CONCENTRATION LIMITS TO MASS LIMITS IS WITHIN THE DISCRETION OF THE DIRECTOR. THE DIRECTOR MAY ESTABLISH EQUIVALENT MASS LIMITS ONLY IF THE SIU MEETS THE CONDITIONS SET FORTH IN 40 CFR 403.6 (C) (5). THE DIRECTOR MAY CONVERT THE MASS BASED LIMITS OF THE CATEGORICAL PRETREATMENT STANDARDS OF 40 CFR PARTS 414, 419, AND 455 TO CONCENTRATION LIMITS, IN ACCORDANCE WITH 40 CFR 403.6 (C) (6), FOR PURPOSES OF CALCULATING LIMITATIONS APPLICABLE TO THE INDIVIDUAL SIU. THE DETERMINATION TO CONVERT MASS BASED LIMITS TO CONCENTRATION LIMITS IS AT THE DISCRETION OF THE DIRECTOR.

(g) The Director may issue specific orders to any industrial user or to classes of industrial users or may issue general orders to all industrial users to require compliance with any requirements under this section, including applicable categorical pretreatment standards, other discharge limits and reporting requirements. **SEE CHAPTER 923.14**

(h) DILUTION. NO PERSON SHALL IN ANY WAY INCREASE THE USE OF POTABLE OR PROCESS WATER, OR MIX SEPARATE WASTE STREAMS FOR THE PURPOSE OF DILUTING A DISCHARGE AS A PARTIAL OR COMPLETE SUBSTITUTE FOR ADEQUATE TREATMENT TO COMPLY WITH STANDARDS SPECIFIED IN THIS CHAPTER.

SECTION SIX: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.16 ACCIDENTAL DISCHARGES AND OPERATING UPSETS.

(a) EACH SIGNIFICANT INDUSTRIAL USER (SIU) WHICH IS REQUIRED TO OBTAIN A WASTEWATER DISCHARGE PERMIT UNDER 923.14, DISCHARGER, STORM WATER DISCHARGER, PERSON OR GOVERNMENTAL ENTITY AS REQUIRED BY THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE SHALL PROVIDE PROTECTION FROM ACCIDENTAL DISCHARGE OF PROHIBITED OR REGULATED MATERIALS OR SUBSTANCES ESTABLISHED BY THIS SUBCHAPTER. DETAILED PLANS OR NEW CONSTRUCTION SHOWING

FACILITIES AND OPERATING PROCEDURES TO PROVIDE THIS PROTECTION SHALL BE SUBMITTED TO THE DIRECTOR AND BUILDING INSPECTOR FOR REVIEW, AND SHALL BE APPROVED BY THE DIRECTOR BEFORE CONSTRUCTION OF THE FACILITY. EACH EXISTING FACILITY SHALL COMPLETE ITS PLAN AND SUBMIT SAME TO THE DIRECTOR AND BUILDING INSPECTOR AS REQUIRED BY THE DIRECTOR. NEW SIU'S WHO DISCHARGE TO THE POTW SHALL NOT BE PERMITTED TO INTRODUCE POLLUTANTS INTO THE SYSTEM UNTIL ACCIDENTAL DISCHARGE PROTECTION PROCEDURES HAVE BEEN SUBMITTED AND APPROVED BY THE DIRECTOR OR HIS AUTHORIZED REPRESENTATIVE. REVIEW AND APPROVAL OF THOSE PLANS AND OPERATING PROCEDURES BY THE CITY SHALL NOT RELIEVE THE DISCHARGER FROM THE RESPONSIBILITY TO MODIFY ITS FACILITY AS NECESSARY TO MEET THE REQUIREMENTS OF THIS SUBCHAPTER.

~~(a~~ **b)** A person shall notify the City immediately upon the occurrence of a slugload or accidental discharge of wastes prohibited by this chapter. The notification shall include the location of the discharge, date and time, type of waste, concentration and volume and corrective actions. A person who discharges any prohibited liquid or solid waste into a public sewer or natural outlet shall be liable for any expense, loss or damage to the sewage works. In addition, he shall be liable for any fines imposed on the City under State or Federal law as a result of this discharge. Each such discharge and each day on which there continues to be a discharge shall be considered separate violations and the penalties and costs shall be levied accordingly. Such penalties and costs shall be collected by the City in the same manner as all other charges set by the City.

(~~b~~ **c)** Any person who is unintentionally and temporarily in a state of noncompliance with this chapter due to factors beyond his reasonable control shall inform the City, within twenty-four hours of the commencement of the operating upset. Where information is given orally, the person shall file a written follow-up report with the City within five days. The report shall:

(1) Describe the incident, its cause and its impact on the person's compliance status;

(2) Give the duration of noncompliance, including exact dates and times of noncompliance. If the noncompliance continues, the time by which compliance is reasonably expected to occur; and

(3) All steps taken or to be taken to reduce, eliminate and prevent recurrence of the conditions of noncompliance.

A documented and verified operating upset shall be an affirmative defense to any enforcement action brought by the City against a discharger for noncompliance with the chapter.

(~~c~~ **d)** Signs shall be permanently posted in conspicuous places on the person's premises advising employees whom to call in the event of a slugload, accidental discharge or operating upset. Any employee who may cause or discover such a discharge shall be given instruction in emergency notification procedures.

(e) THE DIRECTOR MAY REQUIRE ANY USER TO DEVELOP, SUBMIT FOR APPROVAL, AND IMPLEMENT A SLUG CONTROL PLAN. AN ACCIDENTAL DISCHARGE/SLUG CONTROL PLAN SHALL ADDRESS, AT A MINIMUM, THE FOLLOWING:

1. DESCRIPTION OF STORED CHEMICALS; AND

2. PROCEDURES FOR IMMEDIATELY NOTIFYING THE DIRECTOR OF ANY ACCIDENTAL OR SLUG DISCHARGE, AS REQUIRED BY SUBSECTION (b) HEREOF; AND

3. PROCEDURES TO PREVENT ADVERSE IMPACT FROM ANY ACCIDENTAL SPILLS OR SLUG DISCHARGE. SUCH PROCEDURES INCLUDE, BUT ARE NOT LIMITED TO, INSPECTION AND MAINTENANCE OF STORAGE AREAS, HANDLING AND TRANSFER OF MATERIALS, LOADING AND UNLOADING OPERATIONS, CONTROL OF PLANT SITE RUNOFF, WORKER TRAINING, BUILDING OF CONTAINMENT STRUCTURES OR EQUIPMENT, MEASURES FOR CONTAINING TOXIC ORGANIC POLLUTANTS, INCLUDING SOLVENTS, AND/OR MEASURES AND EQUIPMENT FOR EMERGENCY RESPONSE.

(f) THE DIRECTOR MAY EVALUATE THE NEED FOR THE SIGNIFICANT INDUSTRIAL USER TO DEVELOP A SLUG DISCHARGE CONTROL PLAN AT LEAST ONCE DURING THE TERM OF EACH SIU'S WASTEWATER DISCHARGE PERMIT, OR WITHIN ONE (1) YEAR OF BEING IDENTIFIED AS A SIU.

(g) DISCHARGERS ARE REQUIRED TO NOTIFY THE DIRECTOR OF ANY SIGNIFICANT CHANGES AT ITS FACILITY OR SYSTEM WHICH MIGHT ALTER THE NATURE, QUALITY OR VOLUME OF ITS WASTEWATER AT LEAST THIRTY (30) DAYS PRIOR TO THE CHANGE.

SECTION SEVEN: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.17 INDUSTRIAL USERS, REPORTS AND COMPLIANCE SCHEDULES. (f)

(a) All industrial users subject to Categorical Pretreatment Standards and any other industrial user as required by the Director **SHALL NOT DISCHARGE WASTEWATER INTO THE POTW WITHOUT FIRST OBTAINING A WASTEWATER DISCHARGE PERMIT FROM THE DIRECTOR AS REQUIRED IN 923.14. THESE INDUSTRIAL USERS** shall submit a baseline monitoring report to determine acceptability of discharge and compliance with applicable pretreatment standards and requirements. Industrial users subject to a newly promulgated Categorical Pretreatment Standard shall submit this report within 180 days following the effective date of such a standard. New source dischargers shall submit a baseline report at least ninety days prior to discharging to the POTW. For new source industries, the Director may allow estimates of production rates, discharge volumes and pollutant concentrations. The information on this report shall be current and shall include the following:

(1) Name and address of applicant.

(2) A list of any environmental control permits held by the facility.

(3) A description of operations, including the nature, rate of production and Standard Industrial Classification (SIC) of the operation(s). This description shall include a schematic process diagram which indicates the point(s) of discharge to the POTW.

(4) Measured average daily and maximum flows of regulated process streams and other non-regulated streams.

(5) Results of sampling and analysis of regulated pollutants from each regulated process. **Except as indicated in sub-section (i), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.** ~~For pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics a minimum of four grab samples shall be analyzed. For all other~~

~~pollutants a minimum of one twenty-four hour flow proportional composite sample shall be obtained.~~ Samples should be taken immediately downstream of pretreatment facilities if such exist or immediately downstream of regulated processes if no pretreatment facilities exist. All samples shall be representative of daily operations.

i. **Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, hexavalent chromium, and volatile organic compounds must be obtained using grab collection techniques and composited in a laboratory.**
ii. **Except for those pollutants that are required to be measured by grab samples (referenced above), all other pollutants will be measured by flow-proportional sampling unless justification for an alternate sampling type, representative of the discharge, is documented in the industrial user file.**
iii. **Multiple grab samples collected during a twenty-four-hour period may now be composited prior to the analysis as follows: for hexavalent chromium, cyanide, total phenols, and sulfides the samples may now be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may now be composited in the laboratory. Protocols (including appropriate preservation) specified in 40 C.F.R. 136 and appropriate U.S. EPA guidance must be followed.**
iv. **The Director may require an industrial user to install flow monitoring facilities, instruments, and recording devices to enable accurate measurement of flows as determined to be necessary.**
v. **If a violation is detected through sampling and analysis conducted by City in lieu of the industrial user, the City will perform the repeat sampling and analysis within thirty days of becoming aware of the violation unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.**
vi. **All wastewater samples must be representative of the Discharger's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a Discharger to keep its monitoring facility in good working order shall not be grounds for the Discharger to claim that sample results are unrepresentative of its discharge.**
vii. **Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.**

(5.5) EFFLUENT LIMITS, INCLUDING BEST MANAGEMENT PRACTICES, BASED ON APPLICABLE PRETREATMENT STANDARDS

(6) Raw materials utilized and their amount.

(7) Type and amount of product produced. For industrial users subject to equivalent mass or concentration limits established by the Director, this report shall include a reasonable measure of the user's long-term production rate. For industrial users subject to production based standards, this report shall include the user's actual production during the appropriate sampling period.

(7.5) WHEN DETERMINED TO BE NECESSARY BY THE DIRECTOR, SUBMIT DOCUMENTATION INDICATING COMPLIANCE WITH BMP'S.

(8) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this section, the discharger shall provide a declaration of the shortest schedule by

which the discharger will provide such additional pretreatment according to the conditions in Section 923.17(d).

(9) This report shall include the certification statement and shall be signed by an authorized representative of the discharger as defined in Section 923.17(f).

(b) ~~Within ninety days following the date for final compliance as required by the industrial user's discharge order or ninety days following commencement of the introduction of wastewater into the POTW by a new discharger or ninety days following promulgation of an additional applicable categorical pretreatment standard, any discharger subject to these regulations shall submit a report as to the 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 operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the discharger as defined in Section 923.17(f).~~ **COMPLIANCE DATA REPORT. WITHIN NINETY DAYS FOLLOWING THE DATE FOR FINAL COMPLIANCE BY THE SIU WITH APPLICABLE PRETREATMENT STANDARDS SET FORTH IN THIS SUBCHAPTER OR NINETY DAYS FOLLOWING COMMENCEMENT OF THE INTRODUCTION OF WASTEWATER INTO THE SEWAGE SYSTEM BY A NEW DISCHARGER, ANY DISCHARGER SUBJECT TO THIS SUBCHAPTER SHALL SUBMIT TO THE CITY 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. IN CASES WHERE THE WASTEWATER DISCHARGE PERMIT REQUIRES COMPLIANCE WITH A BEST MANAGEMENT PRACTICE, THE DISCHARGER MUST SUBMIT DOCUMENTATION REQUIRED BY THE DIRECTOR OR THE WASTEWATER DISCHARGE PERMIT NECESSARY TO DETERMINE THE COMPLIANCE STATUS OF THE DISCHARGER. THE REPORT SHALL STATE WHETHER THE APPLICABLE PRETREATMENT STANDARDS OR REQUIREMENTS ARE BEING MET ON A CONSISTENT BASIS AND, IF NOT, WHAT ADDITIONAL OPERATIONS AND MAINTENANCE AND/OR PRETREATMENT IS NECESSARY TO BRING THE DISCHARGER INTO COMPLIANCE WITH THE APPLICABLE PRETREATMENT STANDARDS OR REQUIREMENTS, AND THIS STATEMENT SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF THE DISCHARGER.**

(1) FOR DISCHARGERS SUBJECT TO EQUIVALENT MASS OR CONCENTRATION LIMITS ESTABLISHED BY THE DIRECTOR IN ACCORDANCE WITH THE PROCEDURES IN SECTION CHAPTER 923.12 (e), THE COMPLIANCE DATA REPORT SHALL CONTAIN A REASONABLE MEASURE OF THE USER'S LONG TERM PRODUCTION RATE, FOR ALL OTHER INDUSTRIAL USERS SUBJECT TO CATEGORICAL PRETREATMENT STANDARDS EXPRESSED IN TERMS OF ALLOWABLE POLLUTANT DISCHARGE PER UNIT OF PRODUCTION (OR OTHER MEASURE OF OPERATION), THIS REPORT SHALL INCLUDE THE USER'S ACTUAL PRODUCTION DURING THE APPROPRIATE SAMPLING PERIOD.

SECTION EIGHT: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.17 INDUSTRIAL USERS, REPORTS AND COMPLIANCE SCHEDULES.

(f) All reports required under this section shall include the following certification statement:

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, at 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.

Additionally, all reports shall be signed by:

(1) In case of a corporation, by a responsible corporate officer. A responsible corporate officer means:

a. 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-making or decision-making functions for the corporation, or

~~b. The manager of one or more manufacturing, production or operating facilities employing more than 250 persons or have gross annual sales or expenditures of twenty-five million dollars ($25,000,000), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.~~ **THE MANAGER OF ONE OR MORE MANUFACTURING, PRODUCTION OR OPERATING FACILITY, PROVIDED THE MANAGER:**

(i) IS AUTHORIZED TO MAKE MANAGEMENT DECISIONS THAT GOVERN THE OPERATION OF THE REGULATED FACILITIES INCLUDING HAVING THE EXPLICIT OR IMPLICIT DUTY OF MAKING MAJOR CAPITAL INVESTMENT RECOMMENDATIONS, AND INITIATE AND DIRECT OTHER COMPREHENSIVE MEASURES TO ASSURE LONG TERM ENVIRONMENTAL COMPLIANCE WITH ENVIRONMENTAL LAWS AND REGULATIONS; AND

(ii) CAN ENSURE THAT THE NECESSARY SYSTEMS ARE ESTABLISHED OR ACTIONS TAKEN TO GATHER COMPLETE AND ACCURATE INFORMATION FOR WASTEWATER DISCHARGE PERMIT REQUIREMENTS; AND

(iii) IS ASSIGNED OR DELEGATED THE AUTHORITY TO SIGN DOCUMENTS IN ACCORDANCE WITH CORPORATE PROCEDURES.

(2) In the case of a partnership, by a general partner.
(3) In the case of a sole proprietorship, by the proprietor.
(4) By a duly authorized representative of the individual designated in subsections (f)(1) to (3) hereof, if the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, superintendent, a position of equivalent responsibility or having overall responsibility for environmental matters for the company.

SECTION NINE: The proper City official is hereby authorized to amend Section 923 of the Zanesville Codified Ordinances to include the following language:

923.23 DISPUTES AND APPEALS; PUBLICATION OF ENFORCEMENT ACTIONS.

(d) 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. For the purpose of this provision, a significant industrial user is in significant noncompliance if its violations from any permitted monitoring point meet one or more of the following criteria:

(1) 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) **including instantaneous limits, as defined by 40 CFR 403.3(l), for the same pollutant parameter by any amount** ~~the daily maximum limit or the average limits for the same pollutant parameter~~;

(2) 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 a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l), multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);** ~~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);~~

(3) Any other **discharge** violation of a **pretreatment standard or requirement as defined by 40 CFR 403.3(l)** ~~pretreatment effluent limit~~ (daily maximum, ~~or~~ longer term average, **instantaneous limit, or narrative standard**) 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);

(4) 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;

(5) Failure to meet, within ninety days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge order or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide, within ~~thirty days~~ **forty-five (45) days** after the due date, required reports, such as baseline monitoring reports, **reports on compliance with categorical pretreatment standard deadlines,** ninety-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations, **which may include a violation of Best Management Practices**, which the Director determines will or has adversely affected the operation or implementation of the City's pretreatment program.

(e) A non-significant industrial user is in significant non-compliance if it violates Section 923.23(d) (3, 4, or 8).

SECTION TEN: This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

_____
DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

_____
JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM

_____
LAW DIRECTOR'S OFFICE

Department of Public Service
Jay D. Bennett, Director

RECEIVED
OCT 20 2015
CLERK OF COUNCIL

ORDINANCE NO. 15 – 124
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO EXECUTE A CHANGE ORDER TO SHELLY & SANDS FOR THE 2015 OVERLAYS PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, through Ordinance No. 15-25, City Council previously authorized an estimated $500,000 for the construction of the 2015 Overlays Project; and

WHEREAS, the contract amount awarded to Shelly & Sands for the project was $494,400.00; and

WHEREAS, due to further deterioration of existing pavement conditions from the time of council authorization to the time of work completion, the contract quantities were exceeded; and

WHEREAS, according to the City Auditor, a change order having a cost over 10% of the contract amount requires Council approval prior to payment; and

WHEREAS, in order to compensate Shelly & Sands in a timely manner for the completed project, this ordinance must be considered as an emergency, therefore requiring immediate action by Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The proper City official is hereby authorized to approve payment of a change order to Shelly & Sands in the amount of $59,925.00. Said funds shall be taken from line item 202.6541.54426.

SECTION TWO: The new contract price for completion of the 2015 Overlays Project is $554,325.00.

SECTION THREE: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST:

SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT
President of Council

APPROVED: _____, 2015

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM

LAW DIRECTOR'S OFFICE

SHELLY & SANDS, INC.
P.O. BOX 1585
ZANESVILLE, OHIO 43702-1585
740-453-0721 fax 740-455-3144

Invoice No. 30017

INVOICE

Customer

Name	CITY OF ZANESVILLE
Attn:	ACCOUNTS PAYABLE
Address	401 MARKET STREET
City	ZANESVILLE OH 43701

Date	10/14/2015
Cust. No.	**4011**
Location	**2015 RESURFACING**
Re:	**ASPHALT PAVING**
PO#	
Our Job	**Z.Z015.019**

Qty		DESCRIPTION	Unit Price	TOTAL
5,351.00	TON	ASPHALT	$76.00	$406,676.00
61,122.00	SY	PLANING	$2.00	$122,244.00
3,725.000	GAL	TRACKLESS TACK	$4.00	$14,900.00
	LINDEN AVENUE MATERIALS ONLY			
191.000	TON	ASPHALT	$55.00	$10,505.00
			SubTotal	$554,325.00
			TOTAL	$554,325.00

NET 30 DAYS

Department of Public Service
Jay D. Bennett, Director

RECEIVED
OCT 21 2015
CLERK OF COUNCIL

ORDINANCE NO. 15 – 125
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO EXECUTE A CHANGE ORDER TO KE SITE COMPANY DBA KENDRICK FOR THE RIDGEWOOD STORM SEWER PROJECT, AND DECLARING AN EMERGENCY.

WHEREAS, through Ordinance No. 15-08, City Council previously authorized an estimated $185,000 for the construction of the Ridgewood Storm Sewer Project; and

WHEREAS, the contract amount awarded to KE Site Company DBA Kendrick for the project was $165,282.00; and

WHEREAS, due to unforeseen existing pipe locations and conditions, the contract quantities were exceeded; and

WHEREAS, according to the City Auditor, a change order having a cost over 10% of the contract amount requires Council approval prior to payment; and

WHEREAS, in order to compensate KE Site Company DBA Kendrick in a timely manner for the completed project, this ordinance must be considered as an emergency, therefore requiring immediate action by Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The proper City official is hereby authorized to approve payment of a change order to KE Site Company DBA Kendrick in the amount of $22,470.55. Said funds shall be taken from line item 608.5462.53266.

SECTION TWO: The new contract price for completion of the Ridgewood Storm Sewer Project is $187,752.55.

SECTION THREE: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST:

SUSAN CULBERTSON,
Clerk of Council

DANIEL M. VINCENT
President of Council

APPROVED: _____, 2015

JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM

LAW DIRECTOR'S OFFICE

Mayor Jeff Tilton

ORDINANCE NO. 15-115
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS TO THE MUSKINGUM ECONOMIC OPPORTUNITY ACTION GROUP

WHEREAS, the Muskingum Economic Opportunity Action Group, Inc. was designated a Community Action Agency for Muskingum County on March 20, 1968; and

WHEREAS, such organization was incorporated as a non-profit organization in the State of Ohio with the mission to utilize public and private resources to attack poverty and its causes in Muskingum County and surrounding areas; and

WHEREAS, the Organization receives funding from the State of Ohio under the Community Services Block Grant program and the City of Zanesville has for many years provided local funds to help finance administration of the organization's programs: and

WHEREAS, the Administration of the City of Zanesville believes that said organization is helpful throughout the community in regard to community services and general outreach and referral.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to provide local administrative funding to the Muskingum Economic Opportunity Action Group, Inc. for the period January 1, 2016 through December 31, 2016. Said funding shall be $10,000.00, and will be paid from account number 101.2110.53209 in equal installments in January, April, July and October.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED_____, 2015

ATTEST:_____
Susan Culbertson
Clerk Of Council

_____
Daniel M. Vincent
President Of Council

APPROVED:_____,2015

_____
Jeff Tilton
Mayor

This legislation approved as to form:

_____
Law Director's Office

Mayor Jeff Tilton

ORDINANCE NO. 15-116
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE AMENITIES FOR THE CITY EMPLOYEE'S UNITED WAY FUNDRAISER

WHEREAS, the employees of the City believe in and support the cause and efforts of the United Way of Muskingum, Morgan, and Perry Counties; and

WHEREAS, employees from all divisions of the City donate their time and effort organizing a chili cook-off to raise money for the United Way; and

WHEREAS, the City wishes to support the efforts of these volunteers and alleviate some of their monetary burden by allowing amenities to be purchased for the event.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to expend an amount not to exceed $250.00 on amenities for the chili cook off fundraising event to benefit The United Way of Muskingum, Morgan, and Perry Counties. Said funds shall be expended from line item 101-7863-53226.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED_____, 2015

ATTEST:_____
Susan Culbertson
Clerk Of Council

_____
Daniel M. Vincent
President Of Council

APPROVED:_____,2015

_____
Jeff Tilton
Mayor

This legislation approved as to form:

_____
Law Director's Office

Mayor Jeff Tilton

ORDINANCE NO. 15-117
INTRODUCED BY COUNCIL

AUTHORIZING THE PROPER CITY OFFICIAL TO PROVIDE FUNDS TO THE ZANESVILLE-MUSKINGUM COUNTY PORT AUTHORITY FOR ORGANIZATIONAL, PROMOTIONAL, AND OPERATIONAL EXPENSES DURING THE YEAR 2016

WHEREAS, the City of Zanesville and the Board of Commissioners of Muskingum County did enter into an agreement for the creation of the Zanesville-Muskingum County Port Authority (Port Authority) on November 2, 1987; and

WHEREAS, the City of Zanesville and the Board of Commissioners of Muskingum County are mutually desirous to expand the economic development activities of the Port Authority as set forth in section 4582.201 through 4582.99 of the Ohio Revised Code; and

WHEREAS, in order to expand its economic development activities; the Port Authority will incur organizational, promotional, and operational expenses throughout the year.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, Ohio, that:

SECTION ONE: The proper city official is authorized to provide funds to the Zanesville-Muskingum County Port Authority for the period January 1, 2016 through December 31, 2016. Said funding shall be in the amount of $100,000.00, to be paid in eleven monthly installments of $8,333.00 and one monthly payment of $8,337.00 from account 101.7951.53297.

SECTION TWO: This ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED_____, 2016

ATTEST:_____
Sue Culbertson
Clerk Of Council

_____
Daniel M. Vincent
President Of Council

APPROVED:_____,2016

_____
Jeff Tilton
Mayor

This legislation approved as to form:

_____
Law Director's Office

City Treasurer

ORDINANCE NO. 15-118

AN ORDINANCE TO ADOPT CHAPTER 182 OF THE CODIFIED ORDINANCES OF THE CITY OF ZANESVILLE REGARDING MUNICIPAL INCOME TAX

WHEREAS, the Home Rule Amendment of the Ohio Constitution, Article XVII, Section 3, provides that "Municipalities shall have authority to exercise all powers of local self-government," and the municipal taxing power is one of such powers of local self-government delegated by the people of the State to the people of municipalities; and

WHEREAS, Article XIII, Section 6 of the Ohio Constitution provides that the General Assembly may restrict a municipalities power of taxation to the extent necessary to prevent abuse of such power, and Article XVIII, Section 13 of the Ohio Constitution states that "laws may be passed to limit the powers of municipalities to levy taxes and incur debts for local purposes;" and

WHEREAS, the General Assembly has determined that it is necessary and appropriate to comprehensively review and amend Chapter 718 of the Ohio Revised Code, setting forth statutory requirements for municipal income tax codes in Ohio; and

WHEREAS, more specifically, the General Assembly enacted H. B. 5 in December 2014, and mandated that municipal income tax codes be amended by January 1, 2016 such that any income or withholding tax is "levied in accordance with the provisions and limitations specified in [Chapter 718];" and

WHEREAS, upon a detailed review of H. B. 5 and the Codified Ordinances of the City of Zanesville, this Ordinance is found and determined by this Council to enact the amendments required prior to the January 1, 2016 deadline to be in accord with the provisions and limitations specified in Chapter 718 of the Revised Code; and

WHEREAS, Council also finds and determines that the constitutionality of certain provisions of the state-mandated code may have been put in question by recent decisions of the Ohio Supreme Court regarding, among other things, taxation of professional athletes, but these provisions must be included if the municipal income tax code is to be "levied in accordance with the provisions and limitations specified in [Chapter 718]" and thus reluctantly are adopted by this Council but are disclaimed to the extent they are unlawful or unconstitutional;

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

Section 1. That Chapter 182 of the Codified Ordinances be adopted to read as set forth in the document entitled "Chapter 182, Income Tax" attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That this Ordinance shall take effect and be in force from and after January 1, 2016.

PASSED: _____, 2015

ATTEST: _____ _____

SUSAN CULBERTSON
CLERK OF COUNCIL

DANIEL M. VINCENT
PRESIDENT OF COUNCIL

APPROVED: _____,2015 This legislation approved as to form:

_____ _____

JEFF TILTON
MAYOR

Law Director's Office

182.084 CREDIT FOR TAX BEYOND STATUTE FOR OBTAINING REFUND

182.09 ANNUAL RETURN

182.091 RETURN AND PAYMENT OF TAX

182.092 RETURN AND PAYMENT OF TAX; INDIVIDUALS SERVING IN COMBAT ZONE

182.093 USE OF OHIO BUSINESS GATEWAY; TYPES OF FILINGS AUTHORIZED

182.094 EXTENSION OF TIME TO FILE

182.095 AMENDED RETURNS

182.096 REFUNDS

182.10 PENALTY, INTEREST, FEES AND CHARGES

182.11 AUDIT

182.12 ROUNDING

182.13 AUTHORITY AND POWERS OF THE TAX ADMINISTRATOR

182.131 AUTHORITY OF TAX ADMINISTRATOR; ADMINISTRATIVE POWERS OF THE TAX ADMINISTRATOR

182.132 AUTHORITY OF TAX ADMINISTRATOR; COMPROMISE OF CLAIM AND PAYMENT OVER TIME

182.133 AUTHORITY OF TAX ADMINISTRATOR; RIGHT TO EXAMINE

182.134 AUTHORITY OF TAX ADMINISTRATOR; REQUIRING IDENTIFYING INFORMATION

182.14 CONFIDENTIALITY

182.15 FRAUD

182.16 OPINION OF THE TAX ADMINISTRATOR

182.17 ASSESSMENT; APPEAL BASED ON PRESUMPTION OF DELIVERY

182.18 LOCAL BOARD OF TAX REVIEW; APPEAL TO LOCAL BOARD OF TAX REVIEW

182.19 ACTIONS TO RECOVER; STATUTE OF LIMITATIONS

182.20 ADOPTION OF RULES

182.30 MANDATORY REGISTRATION

182.97 COLLECTION OF TAX AFTER TERMINATION OF CHAPTER

182.98 SAVINGS CLAUSE

182.99 VIOLATIONS - PENALTY

CHAPTER 182
Municipal Income Tax
Effective January 1, 2016
For taxable years beginning with taxable year 2016

182.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE
- 182.011 AUTHORITY TO LEVY TAX
- 182.012 PURPOSES OF TAX; RATES
- 182.013 ALLOCATION OF FUNDS
- 182.014 STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX

182.02 EFFECTIVE DATE

182.03 DEFINITIONS

182.04 INCOME SUBJECT TO TAX FOR INDIVIDUALS
- 182.041 DETERMINING MUNICIPAL TAXABLE INCOME FOR INDIVIDUALS
- 182.042 DOMICILE
- 182.043 EXEMPTION FOR MEMBER OR EMPLOYEE OF GENERAL ASSEMBLY AND CERTAIN JUDGES

182.05 COLLECTION AT SOURCE
- 182.051 COLLECTION AT SOURCE; WITHHOLDING FROM WAGES
- 182.052 COLLECTION AT SOURCE; OCCASIONAL ENTRANT
- 182.053 COLLECTION AT SOURCE; CASINO AND VLT

182.06 INCOME SUBJECT TO NET PROFIT TAX
- 182.061 DETERMINING MUNICIPAL TAXABLE INCOME FOR TAXPAYERS WHO ARE NOT INDIVIDUALS
- 182.062 NET PROFIT; INCOME SUBJECT TO NET PROFIT TAX; ALTERNATIVE APPORTIONMENT
- 182.063 CONSOLIDATED FEDERAL INCOME TAX RETURN
- 182.064 TAX CREDIT FOR BUSINESSES THAT FOSTER NEW JOBS IN OHIO
- 182.065 TAX CREDITS TO FOSTER JOB RETENTION

182.07 DECLARATION OF ESTIMATED TAX

182.08 CREDIT FOR TAX PAID
- 182.081 CREDIT FOR TAX PAID TO ANOTHER MUNICIPALITY
- 182.082 REFUNDABLE CREDIT FOR QUALIFYING LOSS
- 182.083 CREDIT FOR PERSON WORKING IN JOINT ECONOMIC DEVELOPMENT DISTRICT

182.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE

182.011 AUTHORITY TO LEVY TAX

(A) The tax on income and the withholding tax established by this Chapter 182 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this Chapter 182 are deemed to be levied in accordance with, and to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718). This Chapter is deemed to incorporate the provisions of ORC 718.

(B) The tax is an annual tax levied on the income of every person residing in or earning or receiving income in the municipal corporation, and shall be measured by municipal taxable income. The Municipality shall tax income at a uniform rate. The tax is levied on Municipal Taxable Income, as defined herein.

(Source: ORC 718.04)

182.012 PURPOSES OF TAX; RATES

(A) Purpose. To provide funds for the purpose of general Municipal operations, maintenance, new equipment, extension and enlargement of Municipal services and facilities and capital improvements of the City, there shall be and is hereby levied a tax on salaries, wages, commissions and other compensation, and on net profits as hereinafter provided.

(B) Base Amount Levied. Subject to the provisions of Section 182.98, an annual tax for the purpose specified in Section 182.012(A) shall be levied at the rate of one and one-half percent (1.5%) per annum.

(C) Additional Amount Levied For City Jail and Police Department. In addition to the tax imposed by Section 182.012(B), there is levied an additional tax of two-tenths of one percent (.20%) upon those classes of salaries, wages, commissions, rents, other compensation and profits set forth in this Chapter, for the purpose of constructing, furnishing and equipping a City jail addition to, and related remodeling and renovation of, the Safety Center, debt service on debt incurred for those improvements, costs of operation and maintenance of the City jail, and other costs of operation and maintenance of the Police Department of the City.

(D) Additional Amount Levied For Fire Department. In addition, to the tax imposed by Sections 182.012(B) and 182.012(C), there is levied an additional tax of two-tenths of one percent (0.20%) upon those classes of salaries, wages, commission, rents, other compensation and profits set forth in this Chapter, for the purpose of operations of the Zanesville City Fire Department to replace apparatuses, equipment, appliances and emergency devices; and to make repairs, refurbish and improve its existing fire stations; and to enact and modify its supervisory structure; and to add an additional fire station to portions of the City.

(Source: ORC 718.04)

182.013 ALLOCATION OF FUNDS

The funds collected under the provisions of this chapter shall be deposited in a special fund known as the Income Tax Revenue Fund and such funds shall be disbursed in the following manner:

Department of Community Development
Jay D. Bennett, Director

RECEIVED
SEP 22 2015
CLERK OF COUNCIL

ORDINANCE NO. 15-112
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING A PARTNERSHIP AGREEMENT BETWEEN MUSKINGUM COUNTY AND THE CITY OF ZANESVILLE FOR THE CREATION OF A COUNTYWIDE ANALYSIS OF IMPEDIMENTS PLAN FOR FAIR HOUSING AND DECLARING AN EMERGENCY

WHEREAS, The Federal Fair Housing Act of 1968 made it illegal to discriminate in the area of housing because of a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970's. In 1988 the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes; and

WHEREAS, The City of Zanesville and Muskingum County each have their own Analysis of Impediments to Fair Housing Plans and said plans are required to be updated by June 2016; and

WHEREAS, They City and the County wish to undertake a collaborative Analysis of Impediments Plan as required by the State of Ohio Development Services Agency, Office of Community Development (OCD) and the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, City staff proposes to enter into a partnership agreement with Muskingum County for completion of the countywide Analysis of Impediments Plan; and

WHEREAS, The City and County desire to hire a consultant to complete the Plan which is due to the State of Ohio Development Services Agency, Office of Community Development and the U.S. Department of Housing and Urban Development by June 2016.

WHEREAS, The timeframe to complete the Plan will take many months and include public engagement and legislative action necessitating immediate action by Council.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The Director of Community Development is hereby authorized to enter into an Agreement with Muskingum County, attached as Exhibit A, for the completion and submission of an Analysis of Impediments Plan to the State of Ohio Development Services Agency, Office of Community Development and the U.S. Department of Housing and Urban Development.

SECTION TWO: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST: _____
SUSAN CULBERTSON,
Clerk of Council

_____
DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

_____
JEFF TILTON,
Mayor

THIS LEGISLATION APPROVED AS TO FORM

_____
LAW DIRECTOR'S OFFICE

EXHIBIT A

Agreement
Between
Muskingum County and City of Zanesville
for the creation of a countywide Analysis of Impediments (AI)

THIS AGREEMENT is entered into effective the day of _____, 2015 by and between Muskingum County (herein called County) and the City of Zanesville (herein called City) to undertake a collaborative Analysis of Impediments (AI) Plan as required by the State of Ohio, Development Services Agency, Office of Community Development (OCD) and the U.S. Department of Housing and Urban Development (HUD).

WHEREAS, The Federal Fair Housing Act of 1968 made it illegal to discriminate in the area of housing because of a person's race, color, religion, or national origin. Sex was added as a protected class in the 1970's. In 1988 the Fair Housing Amendments Act added familial status and disability to the list, making a total of seven federally protected classes.

WHEREAS, Provisions to affirmatively further fair housing are long-standing components of the U. S. Department of Housing and Urban Development's (HUD) housing and community development programs.

WHEREAS, The Analysis of Impediments is a thorough examination of the availability of a variety of sources related to fair housing to the protected classes of housing consumers.

WHERAS, both the County and City support Fair Housing regulations as they are designed to protect our citizens from housing discrimination.

WHEREAS, both the County and City will collaboratively select and enter into contract with a consultant who will create the Analysis of Impediment.

NOW, THEREFORE, it is agreed between the parties hereto that:

Section One: Both the County and the City agree to contribute $3,500 each for a total of $7,000 to be paid to the awarded consultant for completion of the Analysis of Impediment.

Section Two: If the County and the City request revisions to the Analysis of Impediment that exceed the contracted time and cost, both the County and the City have agreed to equally contribute a maximum of $95.00 per hour ($47.50 each) for the additional work.

Section Three: This agreement is in effect until the State of Ohio Department of Development Services, Office of Community Development accepts the Analysis of Impediment.

Section Four: The County or City may terminate this Contract in whole, or in part, when both parties agree that the continuation of the project is not in the best interest of both parties. Within 30-days of the request to terminate the Contract, both parties shall agree in writing the cause for termination and address any outstanding terms of this agreement including payment to the contractor

EXHIBIT A

COUNTY
Muskingum County Commissioners
401 Main St
Zanesville, OH 43701
Phone (740) 455-7100
Fax (740) 455-3785
Commissioners@muskingumcounty.org

CITY
City of Zanesville
401 Market Street
Zanesville, OH 43701
Phone (740) 455-0601
Fax (740) 455-0744
Mayor@coz.org

IN WITNESS WHEREOF, the parties hereto have executed this Grant Agreement on the last day and year set forth below.

COUNTY:

Muskingum County Commissioners

Name: _____
Jerry Lavy, President of Commissioners

Name: _____
Jim Porter, Commissioner

Name: _____
Todd Sands, Commissioner

Date: _____

CITY:

City of Zanesville

Name: _____
Jay Bennett, Community Development Director

Date: _____

Approved to Form:

City of Zanesville Law Director:

Name: _____
Scott T. Hillis

Date: 9/23/15

Council-Mayor Government
Jeff Tilton, Mayor

The City of Zanesville

401 Market Street, Zanesville, Ohio 43701
Phone: (740) 455-0601 x101
Email: jay.bennett@coz.org

Department of Public Service
Jay D. Bennett, DIRECTOR

MEMO

TO: Honorable Members of Council

FROM: Jay D. Bennett, Public Service /Community Development Director

DATE: October 20, 2015

RE: Ordinance 15-113 Professional Contract for Grant Writing for Brownfield Assessments

CC: Jeff Tilton, Mayor

USEPA has released the Notice of Funding available for the 2016 Brownfield Assessment grants. In order to provide time for the City to work with SME to prepare and submit an application for funding, I am requesting waiving the 3rd reading and passage as an emergency of Ordinance 15-113. This will allow us to enter into subject contract with SME and meet the deadline for submission of the application on December 18, 2015.

As always, I am available for discussion.

RECEIVED
OCT 20 2015
CLERK OF COUNCIL

JDB/bc

Department of Community Development
Jay D. Bennett, Director

ORDINANCE NO. 15- 113
INTRODUCED BY COUNCIL

AN ORDINANCE AUTHORIZING THE PROPER CITY OFFICIAL TO ENTER INTO A PROFESSIONAL CONTRACT FOR GRANT WRITING AND TECHNICAL SERVICES FOR BROWNFIELD ASSESSMENTS AND DECLARING AN EMERGENCY.

WHEREAS, the City of Zanesville has properties known as brownfields within city limits; and

WHEREAS, brownfield properties impact the quality of life for residents who live in close proximity to them, and brownfield sites are typically vacant or severely underused and therefore do not generate the amount of tax revenue and employment opportunities that these properties otherwise could; and

WHEREAS, the City of Zanesville is required by the Ohio Revised Code to perform a qualification based selection process for professional services. The City developed a request for qualifications, solicited statements of qualifications, and reviewed all documents to determine that SME was the best proposal for securing U.S. Environmental Protection Agency (EPA) grant funds for brownfield assessments; and

WHEREAS, the EPA has a competitive grant program available to assess brownfields and the anticipated grant application period is open for a period of not to exceed six weeks at the beginning of October.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Zanesville, State of Ohio, that:

SECTION ONE: The proper city official is hereby authorized to enter into a professional services contract with SME for the pursuit of grant funding from the EPA to assess brownfields.

SECTION TWO: That there is no cost to the City of Zanesville to prepare and submit a grant application for funding by SME. If awarded an EPA grant, the City will compensate SME for assessment work under the terms and conditions of the cooperative agreement and contract.

SECTION THREE: For the reasons stated in the preamble hereto, this Ordinance is declared to be an emergency measure. Provided it receives the affirmative vote of six (6) or more members of City Council, this Ordinance shall take effect and be in force immediately upon its passage and approval of the Mayor. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____, 2015

ATTEST:

SUSAN CULBERTSON
Clerk of Council

DANIEL M. VINCENT,
President of Council

APPROVED: _____, 2015

THIS LEGISLATION APPROVED AS TO FORM

JEFF TILTON,
Mayor

LAW DIRECTOR'S OFFICE

PROFESSIONAL SERVICES AGREEMENT

This Professional Services Agreement is made as of _____ 2015, by SME, a Michigan corporation, whose address is 43980 Plymouth Oaks Boulevard, Plymouth, Michigan 48170-2584, and the City of Zanesville (the "City"), an Ohio public body, whose address is 401 Market Street, Zanesville, Ohio, 43701.

RECITALS

A. The City of Zanesville is required by the Ohio Revised Code to perform a qualification based selection process for professional services. The city developed a request for qualifications, solicited statements of qualifications and reviewed all documents to determine that SME was the best proposal for securing U.S. Environmental Protection Agency (USEPA) grant funds for brownfield assessments

B. A Coalition consisting of the City, Muskingum County Ohio, and the Zanesville-Muskingum County Port Authority are seeking a USEPA Cooperative Assistance Agreement (the "Cooperative Agreement") for brownfield assessment activities to be conducted within boundaries of Muskingum County (the "County").

C. The City desires to contract SME to provide a USEPA Brownfield Assessment Grant and if successful, provide qualified environmental services for the coordination, direction, conduct, and/or oversight, as appropriate, of brownfield assessment activities conducted at specific sites within boundaries of the Coalition funded under the Cooperative Agreement.

D. The contractual budget for environmental services will be determined by the Cooperative Agreement but will be no less than the full amount of the consulting budget.

TERMS AND CONDITIONS

In consideration of the mutual covenants and agreements contained in this Agreement, it is agreed as follows:

1. General Agreement. SME shall prepare a USEPA Assessment Grant Application at no cost for fiscal year (FY) 2016 and if unsuccessful, FY2017. If the Coalition is awarded the grant, SME will conduct environmental assessments at certain brownfield sites to be selected by the Coalition (the "Services"). SME shall also coordinate activities for the Coalition in accordance with the Work Plan (attached as Exhibit A) and the Cooperative Agreement, including the arrangement of periodic meetings with the Coalition to review certain proposed activities to be undertaken as part of the Cooperative Agreement.

2. Qualifications. SME shall employ adequate professional and technical staff, duly registered, certified and/or licensed as required by law or USEPA Assessment Grant guidance or policy, qualified to perform the services required by this Agreement or that it will, at its sole expense, engage sub-contractors or consultants who are so qualified. If sub-contractors or consultants are employed or retained by SME, the Coalition shall be so informed and SME shall be responsible for any payments due to the sub-contractors or consultants.

3. Work Product. All reports, drawings, letters, work sheets, plans, supportive data, documents and other materials, whether produced or stored on paper, electronically or otherwise, which are produced by SME in the course of and for the purpose of meeting the terms of this Agreement and the Cooperative Agreement ("SME's Work Product") are the property of the Coalition. In order to fulfill the requirements of the Cooperative Agreement, the Coalition may obtain copies of any of SME's Work Product on paper, on mylar, on electronic disk or any other format requested by the Coalition which SME is capable of producing, and the Coalition shall pay the nominal cost of reproducing such documents in the requested format. SME's Work Product shall not be disclosed to any third party without the Coalition's prior permission. Any reuse or modification of SME's Work Product by the Coalition or anyone obtaining it through the Coalition will be at the Coalition's sole risk and without liability to SME. The Coalition will defend, indemnify and hold SME harmless from all third party claims, demands, damages, actions and expenses (including reasonable attorney's fees, expert fees, and other costs of defense) arising from or in any way related to the reuse or modifications of SME's Work Product by the Coalition or anyone obtaining it through the Coalition.

4. Equipment and Supplies. SME shall provide all necessary equipment and supplies as necessary for the performance of the Services.

5. Independent Contractor. No SME employee or agent is or shall for any reason be considered to be an employee of the Coalition. The Coalition shall neither have nor exercise any control or direction over SME's employees or agents except as provided in or contemplated by this Agreement.

6. Payment for Services. On the condition the grant is awarded to the Coalition, SME shall be compensated by the City of Zanesville for professional services rendered and for use of necessary equipment and supplies on a time and materials basis in accordance with SME's fee schedules, which shall be an integral part of this Agreement (attached as Exhibit A). SME shall have the right to amend or adjust said fee schedules by no more than 20% through written notice to the Coalition no more than once during the term of this Agreement and only after one year has elapsed from the date the USEPA Cooperative Agreement is executed. Prior to commencement of any environmental assessment work at certain brownfield sites within the County, SME will provide the Coalition with an estimate for the proposed work. SME will issue all invoices for work performed to the Coalition. The Coalition will pay for all work upon approval of invoiced amounts by the Coalition within sixty (60) days from the invoice date.

7. Reporting. SME shall provide the Coalition with a quarterly report outlining the status of ongoing assessment activities within the County and the status of the Cooperative Agreement in general.

8. Insurance. SME shall provide certificates of insurance to the Coalition which prove SME has not less than $1,000,000 coverage for comprehensive general liability and property damage and proof of worker's compensation insurance. The comprehensive general liability and property damage certificate shall name the Coalition, their officers, employees, and representatives as additional insureds, without exceptions, and shall carry a thirty (30) day notice of cancellation. Proof of insurance, as stipulated above, shall be provided to the Coalition within ten (10) working days after the date of this Agreement.

SME shall also provide automobile liability insurance which includes:

1. Coverage that complies with the requirements of the Ohio Law.

2. Coverage for Owned, Hired and Non-owned vehicles.

3. Residual liability coverage with a combined single limit of at least $1,000,000 for both bodily injury and property damage.

SME shall also provide proof of professional liability insurance which shall insure against acts which are in the nature of professional services performed by architects and engineers. Professional liability coverage shall be provided in an amount not less than $1,000,000 per claim and $2,000,000 in aggregate. SME shall maintain such during the term of this Agreement.

9. Indemnity. SME shall hold the Coalition (including their officers and employees) harmless from and indemnify them for and against any and all liability, claims, damages, expenses, (including the reimbursement of reasonable attorney fees), cause of actions, suits, judgments, awards or other requirements to pay any funds as a result of injury (including death) to any person or damage to any property, but only to the extent arising out of SME's negligent performance of services under this Agreement and those of the SME's subconsultants or anyone of whom SME is legally liable. SME's defense obligation under this clause is limited to reimbursement of reasonable defense costs to the extent of SME's actual indemnity obligations hereunder.

10. Compliance With Legal Requirements. Consistent with the applicable professional standard of care, SME and its representatives shall, in performing their duties under this Agreement, comply with all applicable laws, rules and regulations.

11. Contacts With the City. SME shall designate in writing to the Coalition who shall be SME's principal contact for the Coalition.

12. Term. This Agreement shall be for a period of three years from the date of the cooperative agreement funds allocated to the applicable contractual services are expended.

13. Termination. This Agreement may be terminated at any time by mutual agreement or by either party,

upon 30 days prior written notice to the other, if the other party fails or refuses to perform any of its duties and responsibilities under this Agreement. If the failure to perform is remedied within 30 days after notice, then the termination notice shall be void.

14. Effects of Termination. Upon termination of this Agreement, neither party shall have any further obligations except for (i) obligations occurring prior to the date of termination, and (ii) obligations or promises made in this Agreement which are expressly made to extend beyond the terms of this Agreement. Upon receiving notice of termination not requested by or agreed to by SME, SME shall immediately discontinue all services (unless the notice directs otherwise). Upon payment for Services accepted by the Coalition, SME shall deliver copies of all data, drawings, specifications, reports, estimates, summaries and such other materials it has accumulated in performing its obligations under this Agreement, whether completed or in the process. Unless the termination results from SME's default or failure to perform according to this Agreement, an equitable adjustment shall be made in the compensation to be paid SME on a time and expense basis, but no amount shall be paid on profit anticipated for services not yet performed by SME.

15. Notices. Any notice required to be given under this Agreement shall be deemed effectively given when personally delivered or mailed by prepaid certified mail, return receipt requested, to the addresses first written above, or delivered to the contact persons for either party.

16. Governing Law and Remedies. This Agreement shall be construed and enforced in accordance with the law of the State of Indiana.

17. Publication, Reproduction and Use of Material. The Coalition shall have unrestricted authority to publish, disclose and otherwise use, in whole or in part, any reports, data, or other materials prepared under this Agreement.

18. Waiver of Breach. Neither party's waiver of a breach of any provision of this Agreement shall not operate as, or be construed to be, a waiver of any subsequent breach of the same or another provision.

19. Headings. The headings in this Agreement are only for reference purposes and shall not affect the meaning or interpretation of this Agreement. The recitals, however, are intended to be an integral part of this Agreement.

20. No Assignment. This Agreement and the rights and obligations under this Agreement are unassignable and non-transferable without the consent of the other parties. It shall, however, be binding upon any successors or permitted assigns of the parties.

21. Entire Agreement. This Agreement supersedes all previous agreements between the parties relating to its subject matter. No other oral statements or prior written material not specifically incorporated in this Agreement shall have any effect and no changes or additions to this Agreement shall be effective unless made in writing and signed by the parties.

22 Effective Date. The Parties have signed this Agreement as of the date first written above.

SME		**City of Zanesville**
By: _____		By: _____
Its Vice President _____		Its _____

EXHIBIT A
SCOPE OF SERVICES

1.0 SCOPE OF SERVICES

We developed the following scope of services based on the City of Zanesville's Request for Qualifications, Section 2: Technical Specifications.

TASK 1 – PREPARE AND SUBMIT A USEPA BROWNFIELD ASSESSMENT GRANT APPLICATION

SME will assist the City of Zanesville with the preparation of the application for the U.S. EPA Community-Wide Assessment Grants for Petroleum and Hazardous Substances for fiscal year 2016. In the event that the application is unsuccessful, the scope will include assisting the City in revising the application for fiscal year 2017. There are no Area-Wide Planning Program Grants for fiscal year 2016 but SME will assist the City with the preparation of application for fiscal year 2017.

We will assist the City in identification of community groups and developers whose support is crucial to the grant's success. The scope of services will include preparation of template letters for community support as well as those for needed from the Ohio EPA and the Bureau of Underground Storage Tank Regulations (BUSTR). These letters will then be provided to the City or support groups to place on their letterhead. We will also assist the City conduct a preliminary community-wide inventory of potential hazardous substance and petroleum brownfields sites to be described in the grant application. We will research local demographics and health and welfare information to help demonstrate the need for the grant to improve the health and welfare of the community.

There is no cost of the preparation and submittal of the grant application for USEPA fiscal years 2016 and 2017.

TASK 2 – IMPLEMENT THE APPROVED USEPA BROWNFIELDS ASSESSMENT GRANT WORK PLAN

COMMUNITY OUTREACH:

Community outreach is an important component to the success of the City of Zanesville's grant project. The primary objectives of community outreach will be to introduce the Assessment Grant program to community stakeholders and describe its operation, outline the key benefits, outline the impacts of brownfields, describe the principles and issues of brownfield redevelopment and financing, describe how the grant activities fit into an overall redevelopment program for a brownfield site, and describe the involvement and input expected from the community throughout the program. Further objectives of the program will be to inform community representatives about the actions that are likely to occur on a site once it has been determined eligible and included in the grant program. SME will assist the City of Zanesville with satisfying public notice requirements. These tasks include press releases to local newspapers, local Neighborhood Associations and other project partners. Additionally, we will assist City of Zanesville staff and local stakeholders in communicating site prioritization and assessment results with the public through the City of Zanesville's website, notification of community organizations, neighborhood partner newsletters, and public meetings. We invite public and private opportunities for citizen participation throughout all phases of the project. We plan to 1) attend meetings of the City and advisory committees, and 2) prepare presentations to provide information about the project's progress, as requested, throughout the term of the contract. If health threats are identified, SME will work with the City of Zanesville to engage the appropriate county health departments.

The following are examples of informational presentations, conference seminars, and/or meetings that SME has presented to grantees and communities, illustrating the variety of our services and knowledge:

- "USEPA Grant Kick-Off Meeting"
- "Brownfields Financing"
- "Revitalization of Broadway and State Street – A Brownfield Redevelopment"
- "Brownfield Redevelopment Case Studies"
- "Introduction to USEPA Grant Program" – public meeting
- "Lowering the Cost of Business through Green Initiatives"
- Numerous meetings with communities and developers discussing potential projects and associated brownfield financing incentives, and discussing strategies/ideas on targeting other community related grant and loan incentive programs.

Community outreach activities will be billed on a time and materials basis in accordance with the fee schedule in Exhibit B.

QUALITY ASSURANCE PROJECT PLAN (QAPP):

SME will prepare a QAPP for USEPA approval before Phase II ESAs or other data collection activities can be conducted. SME will prepare the QAPP according to USEPA Region 5 guidance and submit it to the USEPA for review and approval. SME will us our template developed and improved during the preparation of over 40 Brownfield Assessment QAPPs. The cost for preparation of the QAPP is $5,000.

SITE ELIGIBILITY DETERMINATIONS:

Prior to expenditure of grant funds on a site, a property must be determined "eligible" for funding. A site is "eligible" if it meets the definition of a brownfield under CERCLA, the Grantee is not a potentially liable party for the site, and the USEPA concurs with the determination of eligibility. SME will prepare the Site Eligibility Determinations and submit them to the USEPA, and will coordinate with the City of Zanesville, as needed, to secure property access agreements with property owners. Eligibility determinations range in cost from $250 to $1,000 depending on the USEPA Project offices and enforcement status of the site.

PHASE I AND II ENVIRONMENTAL SITE ASSESSMENTS (SITE ASSESSMENT STUDIES):

SME anticipates we will conduct most Phase I ESAs in conformance with the requirements of the American Society for Testing and Materials (ASTM) Standard on Environmental Site Assessments for Commercial Real Estate, designation E 1527-13 (Standard E 1527-13). Phase I ESAs conducted according to the Standard E 1527-13 satisfy the requirements of All Appropriate Inquiries (AAI) as defined in CERCLA, the governing statute for the USEPA Brownfields Redevelopment Grant Program. The Phase I ESAs will identify recorded and observable areas defined as recognized environmental conditions (RECs), and identify and evaluate the impact of data failures and other data gaps. As part of the Phase I ESAs, we will conduct interviews with current and former property owners and neighboring property owners. Additionally, if requested by the project Property owner and approved by the City of Zanesville, Phase I's will be designed to satisfy the additional requirements of the OAC§3745-300-06 of the Ohio Voluntary Action Program (VAP).

SME will also conduct Phase II site assessments to further assess RECs identified in the Phase I ESAs that may indicate the presence of environmental impact. As previously indicated, the QAPP will be approved prior to initiating Phase II site assessment work. Many consultants operate under the assumption that "the purpose of a Phase II site assessment is only to evaluate the RECs identified in the Phase I ESA." They follow this approach without regard to other big-picture redevelopment issues such as proposed redevelopment design, number of parcels being assembled, presence of redevelopment-inhibiting soil conditions, planning for management of excess soil, potential remediation alternatives, and high-risk exposure pathways, such as vapor intrusion. The result is a Phase II assessment design that simply provides for collection of a few surface and subsurface samples near each REC to identify if contamination is present, not one that provides adequate information to support redevelopment. Although appropriate, this approach is may be short-sighted and may not provide other types of information needed to evaluate and support brownfield redevelopment planning. Where desired by the City of Zanesville, SME will broaden the Phase II site assessment design scope to capture as much information as possible concerning the site issues that may affect redevelopment. Additionally, Phase II site assessments must be designed to satisfy the specific requirements of the Ohio VAP under OAC§3745-300-07 or the Bureau of Underground Storage Tank Regulations (BUSTR). Phase II ESAs may include collection and laboratory analysis of samples from environmental media (i.e., soil, groundwater, soil gas), as well as the completion of hazardous materials assessments for asbestos and lead-based paint. As funds allow, we will complete contaminant characterization and risk assessments as determined necessary upon completion of Phase II ESAs.

Prior to beginning a Phase II site assessment, SME will work with the City of Zanesville to develop a Phase II site assessment strategy and will prepare a Health and Safety Plan (HASP), and a Sampling and Analysis Plan (SAP) or 'Work Plan', which will be submitted to the USEPA for review and approval. The project SAP will describe the types, media, and locations for samples to be collected; identify the chemical analysis parameters for each sample; document sampling and analysis procedures; and define data quality objectives. The project HASP will include information specified in the OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER) rules (29 CFR 1910.120), including definitions of site risks, chemical health and safety data, exposure information, health and safety procedures, emergency procedures, and local medical and hospital information. Once the SAP (work plan) is approved, SME will begin the Phase II site assessment field work, sampling, chemical analyses, and technical reporting. The sampling will be performed in accordance with ASTM Standard E1903-97, Ohio Bureau of Underground Storage Tank Regulations (BUSTR) and/or Ohio VAP guidance, as appropriate. We will prepare and maintain schedules and budgets for each assessment activity.

The results of our Phase I ESAs and Phase II site assessments will be documented in technical reports that will include data tables, maps, and a discussion of methods and results. The Phase II site assessment reports will characterize the contaminants and assess cumulative risks by performing a risk assessment. These technical reports will meet USEPA, Ohio EPA, and ODNR requirements.

Our estimated travel time/costs will be based on travel from Columbus. Actual proposed fees will be based on site-specific conditions.

The following is an estimate of the costs of Phase I and II assessments:

Phase I ESA

ASTM Phase I for small to medium large sites - $2,200 to $3,000;

ASTM Phase I for medium to large industrial sites - $3,000 to $8,000;

VAP Phase 1 - $8,000 to $12,000.

Phase II Site Assessment

Small sites with few Recognized Environmental Conditions (RECs) - $8,000 to $15,000;

Small to medium sites with several RECs or medium to large sites with few RECs - $15,000 to $25,000;

Medium to large sites with several RECs - $20,000 to $35,000;

Large sites or small VAP sites - $50,000 to $75,000;

Large VAP sites - $75,000 to >$200,000.

CONDUCT CLEANUP PLANNING:

SME will perform cleanup planning for properties with an imminent potential for redevelopment or title transfer and that also require remediation activities prior to or concurrent with redevelopment. The following are examples of issues that will be addressed in development of cleanup and reuse approaches for each property:

- levels of contaminants relative to applicable cleanup criteria and exposure pathways;
- type of future use and site plan options;
- remediation options, including use of institutional and engineering controls and exposure mitigation strategies and the ability to incorporate these into the site use plan and redevelopment design;
- green/sustainable technologies and implementation procedures;
- impacts on surrounding properties and neighborhoods; and
- subsurface conditions and buildability issues.

To develop the plans, SME will obtain input from a variety of sources including the City of Zanesville, the developer, USEPA, BUSTR. DERR and VAP. SME will evaluate each approach with respect to technical feasibility, cost, and "fit" with the proposed redevelopment. For properties with high market potential or developer interest, cleanup planning and documentation activities may include preparation of an Analysis of Brownfield Cleanup Alternatives (ABCAs - feasibility study), Remediation Work Plan (RWP), Remedial Action Plan (RAP), evaluation of institutional and engineering controls, and/or DERR and VAP documents. These and other applicable documents will be provided to the developer/owner, USEPA Region 5, and/or the Ohio Department of Environmental Response and Revitalization (DERR), as appropriate, for review, comment, and approval prior to finalization or initiation of activities described therein. As appropriate, SME will prepare requests for Environmental Covenants and No Further Action (NFA) Letters to obtain Covenant-Not-To-Sue (CNS) status under the VAP.

For each site requiring cleanup planning, we will prepare and maintain schedules and budgets. Additionally, we can identify financing options and implementation plans for future cleanup and reuse. If future funding becomes available through additional grants, SME will implement site-specific cleanup and remediation activities. Urban redevelopment planning and market research may be completed, as related to environmental site reuse.

Cleanup planning will be performed on a time and material basis in accordance with the fee schedule in Exhibit B.

ACRES DATABASE

We will assist the City of Zanesville in developing the ACRES database Property Profile for each site that received Assessment Grant funding and updating the profiles as additional assessment and redevelopment data is generated. SME can, if desired, set up and maintain the databased. This will be a time and material costs added to the Phase I and Phase 2 cost and generally requires 0..5 to 0.5 hours of time by an administrative assistant.

PROJECT REPORTING AND PROGRAMMATIC ACTIVITIES:

SME will work with the City of Zanesville's staff to track the project budget, prepare quarterly and annual reports, coordinate with USEPA staff, and perform other programmatic activities to support the effective functioning of the City of Zanesville's grant project. We will attend meetings with the City and advisory committees as requested.

Time spent on project related meetings will be performed on a time and material basis in accordance with the fee schedule in Exhibit B. Programmatic costs will not be incurred.

TASK 3 – IDENTIFY, ACQUIRE AND MANAGE ADDITIONAL BROWNFIELD REDEVELOPMENT FINANCING

SME will assist the City of Zanesville in identifying additional federal, state, and local sources of financing to support brownfield redevelopment in the community. SME will work with the City of Zanesville to determine which funding sources will best meet the proposed project(s) goals and timeline, and will establish a strategy for pursuing these additional funding sources. SME anticipates that the City of Zanesville may pursue additional USEPA Brownfields Grants and Ohio EPA-associated incentives. Furthermore, insurance recovery is a possible source of funds for the remediation of contaminated sites. Each of these additional funding sources is discussed in the following subsections.

USEPA BROWNFIELDS REDEVELOPMENT GRANTS

At the request of the City of Zanesville, SME will provide advisory support in the preparation of applications for one or more of the following USEPA Brownfields Grants: Assessment (hazardous substances and/or petroleum), Cleanup, and RLF. SME will secure a copy of the current Proposal Guidelines for Brownfields Assessment, Cleanup, and RLF Grants for the appropriate fiscal year when published by the USEPA and will support the City of Zanesville by collecting information and develop responses to the threshold and evaluation criteria. USEPA Brownfield Assessment Funds cannot be expended to apply for federal grants.

Once awarded, and if the appropriate contract (e.g., the proposed contract) is in effect, SME will assist the City of Zanesville with the implementation and management of these additional federal grant funds on a time and materials basis.

USEPA CLEANUP GRANT

SME will advise the City of Zanesville concerning applying for Cleanup Grant funds to support cleanup of an eligible brownfield site that the County or City of Zanesville owns; the County or City of Zanesville cannot be liable for the contamination on the target property. An USEPA Cleanup Grant will enable the City of Zanesville to support the cleanup of a site identified and assessed during completion of the Assessment Grant project, furthering the City of Zanesville's goal of redeveloping impacted sites.

If the City of Zanesville is awarded an USEPA Brownfields Cleanup Grant, SME will provide the contractual tasks assigned to the environmental consultant in the associated approved Grant Work Plan. SME will prepare a Quality Assurance Plan and Community Involvement Plan, to initiate the cleanup project. SME then will establish cleanup goals; identify and evaluate environmental response alternatives; select and document the safest, most cost effective, and most sustainable remedial option with input from the City of Zanesville and the community; prepare remediation specifications and bid documents; assist in identifying and competitively retaining one or more remediation contractors; monitor environmental response actions; and verify achievement of remediation goals. Grant specific costs for cleanup will be billed based on a time and materials basis in accordance with our fee schedule.

Upon request, we will provide specific details on acquiring and managing USEPA Cleanup Grants, including information associated with community engagement, cleanup planning, preparation of bid plans and specifications, bidding and contractor selection, cleanup activities monitoring, remediation verification and reporting, and project monitoring and reporting.

USEPA Brownfield Assessment Funds cannot be expended to apply for federal grants.

USEPA BROWNFIELDS RLF GRANT

If the City of Zanesville is awarded an USEPA Brownfields RLF Grant, and if the appropriate contract (e.g., the proposed contract) is in effect, SME will provide the contractual tasks assigned to the environmental consultant in the associated approved Grant Work Plan.

Upon request, we will provide specific details on acquiring and managing USEPA RLF Grants, including information associated with establishment of the RLF program, the marketing of loans, community engagement, eligibility determination, approving and executing loans, approving and executing sub-grants, cleanup planning, cleanup activities monitoring, remediation verification and reporting, and project monitoring and reporting.

USEPA Brownfield Assessment Funds cannot be expended to apply for federal grants. Time and material costs associated with managing the RLF grant will be based on our fee schedule.

OHIO INCENTIVES

At the request of the City of Zanesville, SME will assist in the preparation of applications for available incentives through various Ohio programs. With approval, potential funds can be accessed to supplement brownfield site cleanups or conduct environmental response actions at brownfield sites. The

Ohio EPA SABR offers funding, outreach, and educational assistance and works in partnership with other Ohio programs such as the Targeted Brownfield Assessment and JobsOhio Revitalization to assist communities in making productive use of their brownfields.

Time and material costs associated with seeking Ohio Incentives will be based on our fee schedule.

EXHIBIT B
FEE SCHEDULE

FEE SCHEDULE – PERSONNEL AND EXPENSES

PERSONNEL

Technician I	Per Hour	50.00
Technician II	Per Hour	60.00
Technician III	Per Hour	70.00
Technician IV	Per Hour	80.00
Laboratory Technician	Per Hour	80.00
Field Engineer/Geologist/Specialist	Per Hour	65.00
Staff Engineer/Geologist/Architect/Specialist	Per Hour	80.00
Senior Staff Engineer/Geologist/Architect/Specialist	Per Hour	95.00
Project Engineer/Geologist/Architect/Consultant	Per Hour	115.00
Senior Project Engineer/Geologist/Architect/Consultant, Project Manager	Per Hour	130.00
Senior Consultant, Senior Project Manager, Certified Industrial Hygienist	Per Hour	165.00
Certified Professional (Ohio VAP)	Per Hour	165.00
Principal Consultant, Chief Consultant, Project Director	Per Hour	185.00
Drafter	Per Hour	70.00
CADD Operator	Per Hour	80.00
Senior CADD Operator	Per Hour	85.00
Log Processor	Per Hour	65.00
Administrative Assistant	Per Hour	55.00
Senior Administrative Assistant	Per Hour	65.00

Minimum 4 Hours Per Day for field work

Overtime rate (Applies to all field work in excess of 8 hours per day, before 8:00 am or after 5:00 pm Monday through Friday or anytime Saturday, Sunday, or Holiday) ..... Standard Rate x 1.5

Expert Testimony and Depositions (including preparation time) ..... Premium of 50% added to hourly rate

TRANSPORTATION AND EXPENSES

Transportation Charge, SME or Private Vehicle	Per Mile	0.75
Out–of–town Travel Subsistence	At Cost + 10%	
Lodging and Other Expenses	At Cost + 10%	
Subcontract Expenses, Equipment Rental	At Cost + 10%	
Direct Expenses (Prints, Permits, Maps, etc.).	At Cost + 10%	
Hard Copies of Report	Per Copy	75.00
Plotting 24 x 36 (Black & White)	Each	10.00
Plotting 24 x 36 (Color)	Each	20.00

Prepared by
Fred Buck
Director of Public Safety

RECEIVED
OCT 21 2015
CLERK OF COUNCIL

OFFICE OF PUBLIC SAFETY
CITY OF ZANESVILLE, OHIO
DIVISION OF TRAFFIC ENGINEERING

Traffic Order 15-14

October 26, 2015

SECTION ONE: Traffic Order 15-14 is hereby to establish a No Parking Zone 50 feet from Jefferson Street south on the west side of the street.

SECTION TWO: The appropriate signs shall be installed in accordance with O.R.C. 4511.09

FRED BUCK,
Director of Public Safety

Date Filed With Clerk:
October 21, 2015

SUE CULBERTSON,
Clerk of Council

Date Council Approved:

Date Work Completed

(signed)

TO: Traffic File
Service Department/Street Division
Municipal Court
Police Department

Prepared by
Fred Buck
Director of Public Safety

RECEIVED
OCT 21 2015
CLERK OF COUNCIL

OFFICE OF PUBLIC SAFETY
CITY OF ZANESVILLE, OHIO
DIVISION OF TRAFFIC ENGINEERING

Traffic Order 15-15

October 26, 2015

SECTION ONE: Traffic Order 06-02 is hereby rescinded which established a speed limit on Northpointe Drive from Newark Road (SR 146) to Brandywine Blvd at 45 miles per hour.

SECTION TWO: Traffic Order 15-15 is hereby to establish a 35 mile per hour speed zone on Northpointe Dr from State Route 146 to Frazeysburg Road.

SECTION THREE: The appropriate signs shall be installed in accordance with O.R.C. 4511.09

FRED BUCK,
Director of Public Safety

Date Filed With Clerk:
October 21, 2015

Date Council Approved:

SUE CULBERTSON,
Clerk of Council

Date Work Completed

(signed)

TO: Traffic File
Service Department/Street Division
Municipal Court
Police Department