

ORDINANCE NO. 05-35 AC CMS

AN ORDINANCE AUTHORIZING OBERLIN COLLEGE TO INSTALL A COMPOSTING TOILET AT THE PROPOSED ENVIRONMENTAL STUDIES PROGRAM LABORATORY BUILDING LOCATED AT 132 ELM STREET AND GRANTING AN EXCEPTION TO THE REQUIREMENTS SET FORTH IN SECTION 915.07 OF THE CODIFIED ORDINANCES AND DECLARING AN EMERGENCY

WHEREAS, Oberlin College is in the process of modifying the structure located at 132 Elm Street into an Environmental Studies Laboratory Building; and

WHEREAS, as a part of that modification the College desires to install a "composting toilet" in order to study that alternative means of treating human waste; and

WHEREAS, the City of Oberlin is willing to authorize that educational experiment and grant a waiver and exception to the requirements of Section 915.07 of the Codified Ordinances under certain conditions.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. That the City of Oberlin does hereby authorize Oberlin College to install one (1) "composting toilet" at its proposed Environmental Studies Laboratory to be located at 132 Elm Street in the City.

SECTION 2. That Oberlin College is hereby granted a waiver and exception to the requirements set forth in Section 915.07 of the Codified Ordinances as to said "composting toilet", but shall abide by all other applicable code provisions, including Section 915.12.

SECTION 3. That the waiver and exception granted herein shall be revocable at the sole discretion of the City, and the City shall have the right to enter upon the property upon reasonable advance notice to monitor and test the system and the effluent discharged therefrom.

SECTION 4. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

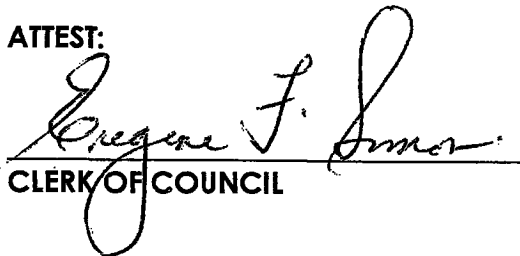
SECTION 5. That this ordinance is hereby declared an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio or to provide for the usual daily operation of a municipal department, to wit:

"to authorize an exception to certain provisions of the Codified Ordinances relating to the treatment of human waste as soon as possible to allow Oberlin College to proceed with the modification of the structure located at 132 Elm Street into an Environmental Studies Laboratory in a timely manner",

and shall take effect immediately upon passage.

PASSED: 1st Reading – June 6, 2005 (E)
 2nd Reading –
 3rd Reading –

ATTEST:


CLERK OF COUNCIL


PRESIDENT OF COUNCIL

POSTED: June 7, 2005

EFFECTIVE DATE: June 7, 2005

City of Oberlin

85 South Main St. Oberlin, OH 44074

Public Works Department

June 3, 2005

TO: Rob DiSpirito, City Manager

FROM: Jeff Baumann, Public Works Director *Jeff*

RE: Ordinance 05-35
Oberlin College Request to Install a Composting Toilet

Please find attached a letter from Leo Evans, Oberlin College's Assistant Director of Facilities Planning and Construction requesting that the City waive certain provisions of Chapter 915 of the Codified Ordinances to allow the College to install a composting toilet in the Environmental Studies laboratory building at 132 Elm Street.

Chapter 915, which governs treatment of wastewater does not clearly make provision for this type of installation. However, 915.07 does require that "Any building that has sanitary facilities...must be connected to the sanitary sewer" as quoted by Mr. Evans. The existing building does have such a connection and the other toilet as well as other plumbing fixtures (sinks, etc.) will be connected to the sanitary sewer system. Oberlin College does intend to dispose of solid wastes from the composting toilet in accordance with the requirements of the Lorain County General Health District. This meets the requirement of Section 915.12 governing private treatment systems.

Although the College had attempted to find examples of how composting toilets are regulated by the public sector elsewhere, no specific models from which local legislation could be drafted were found. The City clearly has the authority to regulate wastewater treatment generally. In the absence of specific language referencing composting toilets, staff is recommending passage of an ordinance approving this installation only. If this experimental installation proves successful and, if the City gets future requests, consideration could be given to renewing the search for model ordinance(s) in order to draft our own regulatory requirements for composting toilets. It's my understanding that Mr. Evans will be attending the City Council meeting of June 6th to assist in answering any questions.

OBERLIN

Oberlin College
Office of Facilities Planning & Construction
Service Building, 2nd Floor
173 West Lorain Street
Oberlin, Ohio 44074-1092
440/775-8422; Fax: 440/775-6660

May 23, 2005

City of Oberlin
Attn: Mr. Jeff Baumann
Director of Public Works
85 South Main Street
Oberlin, OH 44074

Dear Mr. Baumann

Oberlin College is in the process of renovating 132 Elm Street into teaching, laboratory and office space. In an effort to augment the knowledge of alternate waste treatment systems gained by studying the Living Machine in the Adam Joseph Lewis Center, the Environmental Studies Program (ESP) would like to study the use of a composting toilet as an alternative means of treating human waste. We are proposing that, in addition to a conventional toilet, a composting toilet be installed in the Environmental Studies Laboratory (ESL).

Members of the ESP have been diligent in directing students in the operation and maintenance of the Living Machine. I can assure you that this same diligence will be applied to the maintenance and operation of the composting toilet. The composting toilet installation will be completed by a representative from the manufacturer of the composting toilet, Advanced Composting Systems. The representative will also be responsible for the training required to operate and maintain the composting toilet.

The disposal of solid wastes from the composting toilets will follow requirements set by the County Health District. The leachate drain will be tied into the sanitary sewer for removal of excess liquid.

We are requesting a variance to Section 915.07 – WASTEWATER TREATMENT REQUIRED per the Oberlin, Ohio Code of Ordinances. This ordinance requires that "Any building that has sanitary facilities...must be connected to the sanitary sewer if such sewer abuts the building lot."

Please let me know if you have any questions or comments concerning this request.

Sincerely,



Leo Evans
Assistant Director of Facilities
Planning & Construction

cc: Wade Kolody

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE / TITLE THREE
- Public Utilities / CHAPTER 915 Municipal Wastewater Division / 915.07
WASTEWATER TREATMENT REQUIRED.**

915.07 WASTEWATER TREATMENT REQUIRED.

No person shall discharge to any natural surface or subsurface drainage course, culvert, storm sewer, street gutter or drainage channel within the City, or lands owned by the City, any sewage or other polluted waters, except where effective and reliable treatment has been provided in accordance with the subsequent provisions of this section. Effective and reliable treatment shall be accomplished by connection to the Municipal sanitary sewer system or, in the absence of an abutting sewer main, by connection to a private treatment system approved by the County Health District and in conformance with the standards and specifications provided hereinafter. Any building that has sanitary facilities, or is used by human occupants for living or sleeping, must be connected to the sanitary sewer if such sewer abuts the building lot.
(Ord. 95-20AC. Passed 4-3-95.)

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE / TITLE THREE
- Public Utilities / CHAPTER 915 Municipal Wastewater Division / 915.08
CONNECTION PERMIT AND FEE.**

915.08 CONNECTION PERMIT AND FEE.

No person shall make any connection with or opening into any part of the Municipal sewer system without first obtaining a permit therefor from the City. The applicant for the sewer permit shall pay a fee in such amount as provided by ordinance to cover the cost of inspection and incidental expenses.
(Ord. 95-20AC. Passed 4-3-95.)

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE / TITLE THREE
- Public Utilities / CHAPTER 915 Municipal Wastewater Division / 915.09
SEWER LATERAL AND CONNECTION SPECIFICATIONS.**

915.09 SEWER LATERAL AND CONNECTION SPECIFICATIONS.

Sewer laterals and connections to the sewer main shall be at least six inches in diameter. Four-inch sewer laterals shall be constructed with a minimum grade of 1.5 percent or three-sixteenths of an inch per foot. All other sized laterals shall be laid so as to permit a velocity of 2.5 feet per second (0.76 meters per second) at full flow. The alignment of the lateral shall permit a smooth flow of water and shall not include bends, elbows, increasers or other fittings which would retard the flow of the waste water. The grade shall be straight from the building to

Oberlin, Ohio Code of Ordinances

the riser. Turns into the riser or connection shall be accomplished by the use of long radius elbows. If the connection is made by opening the sewer main the connecting pipe shall be heavily encased in concrete at least to the first joint. All pipe joints shall be watertight using "o-ring" or compression-type jointing systems as approved by the City.

(Ord. 95-20AC. Passed 4-3-95.)

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE / TITLE THREE
- Public Utilities / CHAPTER 915 Municipal Wastewater Division / 915.10
MONITORING FACILITIES.**

915.10 MONITORING FACILITIES.

(a) Each industrial user, as directed by the City, shall install and operate, at the user's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each indirect discharge to the City. Each monitoring facility shall be situated on the industrial user's premises. Where such a location would be impractical or cause undue hardship on the industrial user, the City may concur with the facility being constructed in the public street or sidewalk area, provided the facility is located so that it will be accessible at all times. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis.

(b) The monitoring facility shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches in diameter and an internal diameter of no less than forty-eight inches and shall contain such flow measuring, recording and sampling equipment as may be required by the City to ensure compliance with this chapter. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user. All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications.

(Ord. 95-20AC. Passed 4-3-95.)

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE / TITLE THREE
- Public Utilities / CHAPTER 915 Municipal Wastewater Division / 915.11
SEWER LATERAL INSTALLATION AND MAINTENANCE RESPONSIBILITY.**

**915.11 SEWER LATERAL INSTALLATION AND MAINTENANCE
RESPONSIBILITY.**

(a) The sewer user or owner shall sustain and pay for all costs incurred and relating to the initial installation of sewer laterals. Connection costs, including, but not limited to, the extension of the lateral into the sewer easement or public right of way, street opening and restoration, opening the sewer main and the construction of the connection, shall be at the owner's expense.

Oberlin, Ohio Code of Ordinances

(b) The sewer user or owner shall maintain and keep in good working order the sewer lateral from the premises to the edge of the public right of way.

(c) Street openings and restoration necessitated by a structural failure or blockages in the sewer lateral located within the public right of way shall be done by and at the expense of the City.

(d) The City shall not reimburse property owners for the expense of clearing blockages in sewer laterals except where:

(1) The property owner has installed, at his or her expense, a City-approved inspection tee at the right-of-way line; and

(2) The City has, prior to the clearing operation, determined the blockage to be in that section of the lateral located within the public right of way and authorized reimbursement for the clearing.

(Ord. 95-36AC. Passed 5-15-95.)

**PART NINE - STREETS, UTILITIES AND PUBLIC SERVICES CODE / TITLE THREE
- Public Utilities / CHAPTER 915 Municipal Wastewater Division / 915.12
PRIVATE TREATMENT SYSTEMS.**

915.12 PRIVATE TREATMENT SYSTEMS.

(a) Private treatment systems installed within the City shall be approved by the County Health District and shall be designed to treat and discharge an effluent which meets or exceeds water quality standards established by the State for the Black River Basin. A plumbing permit shall be required for the work. The Code Enforcement Officer shall receive permit applications and issue the permit with the approval of the City Manager after he or she has ascertained that all permit conditions have been met or after he or she has received assurances that they will be met. Evidence of Health District approval shall be presented to the Code Enforcement Officer prior to the issuance of plumbing permits and related building permits.

(b) Completely anaerobic treatment systems, such as septic tanks, are prohibited. No part of the treatment unit, except the leaching bed, if provided, and the discharge line, may extend into the front yard of the lot.

(c) The effluent from the treatment unit shall be discharged in a manner and at a location that is not detrimental to the public health and safety. The owner/applicant may be required to improve the receiving drainage channel on and off his or her property up to a distance of 500 feet from the nearest property line. He or she may also be required to provide an enclosed conduit to carry the wastewater through any public right of way or area determined to be a possible hazard to the public health, if not enclosed.

(d) The treatment unit shall be maintained in continuous good working order. Operational failure shall be corrected as soon as practicable. To assure the protection of the public health, the treatment unit, once in operation, shall be inspected by the owner at least once annually. Motors and moving parts shall be cleaned and lubricated as required by the manufacturer's instructions. Drainage channels used exclusively for transporting wastewater effluent shall be inspected, cleaned and reshaped where necessary at least annually by the owner.

Oberlin, Ohio Code of Ordinances

Combination storm drainage and effluent discharge channels having public easements shall be maintained by the City.

(e) The owner of the private treatment unit shall monitor the discharge of each treatment unit by semiannual inspection, collection of effluent samples and testing of samples. Equipment deficiencies and poor quality effluent shall be reported to the City which shall determine necessary corrective measures and require the same to be performed by the owner.
(Ord. 95-20AC. Passed 4-3-95.)