ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BATESVILLE, INDIANA

GENERAL SEWER USE AND WASTEWATER PRETREATMENT

ORDINANCE NO._____

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Batesville ("Batesville" or "City") and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §§ 1251 *et seq.)* and the General Pretreatment Regulations (40 Code of Federal Regulations ("CFR") Part 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the City to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all direct and indirect Users of the Publicly Owned Treatment Works, including persons outside the City who are, by contract or agreement with the City, Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein and fines and other remedies for violation of the ordinance.

Unless otherwise defined herein, terms shall have the meanings adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, American Waterworks Association, and the Water Pollution Control Federation, as set forth in 40 CFR Part 136. Waste constituents and characteristics shall be measured by standard methods unless a mutually agreed upon acceptable alternative method is adopted by agreement of the permittee and the permitting authority or any other method is established by Federal or State regulatory agencies. Monitoring and metering shall be carried out by customarily accepted methods.

1.2 Administration

A. Except as otherwise provided herein, the Board shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Board or the Superintendent may be delegated to other City personnel.

B. The City will maintain sufficient resources and qualified personnel to carry out the hybrid pretreatment program in accordance with 327 Indiana Administrative Code 5-19-3.

C. If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- AAS - Alkyl Arial Sulfonate
- ABS - Alkyl Benzene Sulfonate
- BOD_5 - Biochemical Oxygen Demand - Five Day
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - U.S. Environmental Protection Agency - Washington D.C.
- EPA Region V - U.S. Environmental Protection Agency, Region V - Chicago, Illinois
- FOG - Fats, Oils, and Grease
- gpd - gallons per day
- IAC - Indiana Administrative Code
- IC - Indiana Code
- I/I - Inflow and Infiltration (Clear Water Flow)
- IDEM - Indiana Department of Environmental Management
- IOSHA - Indiana Occupational Safety & Health Act
- IWP - Industrial Wastewater Discharge Permit
- MGD - Million Gallons per Day
- mg/l - milligrams per liter
- MSDS - Material Safety Data Sheet
- NPDES - National Pollutant Discharge Elimination System
- POTW - Publicly Owned Treatment Works
- PUWWS - IDEM's Pretreatment and Urban Wet Weather Section
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SNC - Significant Noncompliance
- SIU - Significant Industrial User

- TSS - Total Suspended Solids
- U.S.C. - United States Code
- WDP - Wastewater Discharge Permit

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

A. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

B. Applicable Pretreatment Standard. Any pretreatment limit or prohibitive standard (Federal, State, or local) contained in the ordinance and considered to be the most restrictive with which non-domestic Users will be required to comply.

C. Approval Authority. The Regional Administrator of EPA Region V. IDEM will automatically be designated as the Approval Authority if its pretreatment program is approved by the EPA and EPA delegates its pretreatment program authority to IDEM.

D. Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25 million) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the User is a Federal, State, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Superintendent.

E. Beneficial Uses. Include, but are not limited to, domestic, municipal, agricultural, industrial, power generation, recreation, aesthetic enjoyment, navigation, the preservation and enhancement of fish, wildlife, and other aquatic resources or reserves, and other uses, both tangible and intangible, as specified by State or Federal law.

F. Biochemical Oxygen Demand or BOD_5. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20º centigrade, usually expressed as a concentration (*e.g.*, mg/l).

G. Board. The Board of Public Works and Safety of the City; the governing body of the POTW. The POTW is a public service.

H. Building Drain. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

I. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

J. Chemical Oxygen Demand or COD. The quantity of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

K. City. The City of Batesville, Indiana, acting by and through its duly authorized representatives.

L. Clear Water Flow. Ground water or precipitation related water which enters the sanitary sewer collection system through pipe defects (infiltration) or conduits (inflow).

M. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

N. Cooling Water. The water discharged from any use such as air conditioning, cooling, or refrigeration or to which the only pollutant added is heat.

O. Council. The Common Council of Batesville, Indiana, or any duly authorized official acting on its behalf.

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

Q. Debt Service Charge. A charge levied on Users of the POTW to fund debt service on outstanding revenue bonds and current capital costs.

R. Effluent. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.

S. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Region V Water Management Division Director, or other duly authorized official of said agency.

T. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

U. Fats, Oils, and Grease. A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures.

V. Flow Proportional Sampling or Time Proportional Sampling. A 24-hour composite sample that consists of at least three (3) grab samples collected over equal time intervals during the period of operator attendance. The grab samples for the composite shall be proportioned to flow. If a User does not utilize an automatic sampler, a flow proportioned composite sample may be obtained by:

(1) Recording the discharge flow rate at the time each individual sample is taken;

(2) Adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow value";

(3) Dividing the discharge flow rate of each individual sampling time by the "total flow value" to determine its percentage of the "total flow value"; and

(4) Multiplying the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample that will be included in the total composite sample.

W. Garbage. Any solid wastes from the preparing, cooking, or dispensing of food or from the handling, storing, or selling of produce.

X. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

Y. Hazardous Waste. Any waste defined as a hazardous waste under 40 CFR Part 261.

Z. Indiana Plumbing Rules. The latest edition of Volume III, *Plumbing Rules and Regulations of the Administrative Building Council* of the State of Indiana.

AA. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

BB. Industrial Waste. Any solid, liquid, or gaseous substance or form of energy that is discharged, permitted to flow into, or enter the sewer system or ground from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource carried on by any person, and shall further mean any waste from an industrial User, but not including sanitary sewage or storm water.

CC. Infiltration. The water entering the sewerage system directly or via private sewers, building drains, and building sewers connected therewith, from the ground, through whatever means, not limited to defective pipe joints, connections, or manhole walls.

DD. Inflow. Water, other than wastewater, entering the sewerage system from sources such as leaders, cellars, yard areas, foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, and street wastewater or drainage.

EE. Inspector. A person authorized by the Board or the Superintendent to perform inspection duties assigned by the Board or Superintendent.

FF. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

GG. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its sludge use or disposal methods;

(2) Causes a violation of any requirement of the City's NPDES Permit, including an increase in the magnitude or duration of a violation; or

(3) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or any more stringent State or local regulations:

(a) Section 405 of the Act;

(b) the Solid Waste Disposal Act, including Title II, RCRA, and the rules contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act;

(c) the Clean Air Act; and

(d) the Toxic Substances Control Act.

HH. Manual on Traffic Control Devices. Refers to City Ordinance, Title VII, Traffic Code, Chapter 70.41, which defines the proper equipment to use for traffic control.

II. Maximum Daily Discharge Limitations. Highest allowable daily discharge.

JJ. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

KK. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a

new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c), above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work, including clearing, excavating, or removing existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

LL. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

MM. Normal Domestic Sewage. Sewage as discharged by residential Users with a BOD concentration not in excess of 250 mg/l and a suspended solids concentration not in excess of 250 mg/l.

NN. Nuisance. Any substance which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

OO. Operation and Maintenance. All expenses related directly to operating and maintaining (including replacement of) the sewage works as identified in the *Uniform System of Accounts for Wastewater Utilities* or as prescribed by the Indiana State Board of Accounts under the general headings, *Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance, and Taxes.*

PP. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any

requirement of the City's NPDES Permit (IN0039268), including an increase in the magnitude or duration of a violation.

QQ. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

RR. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

SS. Pollutant.

(1) Compatible Pollutants. Wastewater having or containing measurable BOD, suspended solids, pH, fecal coliform bacteria, or additional pollutants identified or defined in the City's NPDES Permit or by the State or Board.

(2) Incompatible Pollutants. Any pollutants which are not compatible pollutants.

TT. Pollution. An alteration of the quality of water by waste, contaminants, or pollutants to a degree that renders the water unfit for Beneficial Uses.

UU. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless dilution is allowed by an applicable Pretreatment Standard.

VV. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

WW. Pretreatment Standard or Standards. Pretreatment Standards shall mean prohibited discharge standards, Categorical Pretreatment Standards, and local limits.

XX. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.1 of this ordinance.

YY. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

ZZ. Receiving Sewer System. The Batesville Municipal Sewer System.

AAA. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the POTW to maintain the capacity and performance for which the POTW was designed and constructed.

BBB. Sanitary Sewage. Sewage such as, and having the characteristics of, domestic sewage from dwellings, including apartment houses and hotels, office buildings, factories, or institutions, free from storm and surface water and industrial wastes.

CCC. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

DDD. Sewage. Human excrement and gray water (household showers, dishwashing operations, *etc*.).

EEE. Sewage Charges. The total of the User charge and the debt service charge.

FFF. Sewer. A pipe or conduit laid for carrying sewage or other liquids and solids suspended or entrained therein. Types of sewers:

(1) Combined Sewer. A sewer that carries both sanitary and storm water flow by design.

(2) House Lateral Sewer. A lateral sewer installed in a residential property.

(3) Lateral Sewer. A sewer from the building drain to the sewerage system.

(4) Public Sewer. A sewer owned by the City.

(5) Sanitary Sewer. A sewer that carries only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions.

(6) Storm Sewer. A sewer that carries only storm water flow.

GGG. Sewerage System. The network of publicly-owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to the wastewater treatment plant and the wastewater treatment plant itself.

HHH. Shredded Garbage. Garbage that is shredded to a degree so that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (½) inch in dimension.

III. Significant Industrial/Commercial User (SIU).

(1) A User subject to Categorical Pretreatment Standards; or

(2) A User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);

(b) 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

(c) Is designated as such by the Board on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

(3) Upon a finding that a User meeting the criteria in Subsection (2), above, has no reasosnable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

JJJ. Significant Noncompliance (SNC). For compliance provisions of this ordinance, Significant Noncompliance (SNC) is defined as follows:

(1) Violations of Wastewater Discharge Limits:

(a) Chronic Violations. Sixty-six percent (66%) or more of the measurements exceed the same daily maximum limit or the same average limit in a six (6) month period.

(b) Technical Review Criteria (TRC). Thirty-three percent (33%) or more of the measurements exceed the same daily maximum limit or the same average limit by more than the TRC in a six (6) month period.

There are two (2) groups of TRCs:

(i) Group I for conventional pollutants (BOD_5, COD, TSS, FOG): TRC=1.4 (40%)

(ii) Group II for all other pollutants: TRC=1.2 (20%)

(c) Any other violation(s) of a pretreatment effluent limit (average or daily maximum) that the Board, on the recommendation of the Superintendent, determines has caused, alone or in combination with other discharges, interference (*e.g.*, slug loads) or pass through, or endangered the health of the POTW personnel or the public.

(d) Any discharge of a pollutant which has caused imminent endangerment to human health or welfare or to the environment

and resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

(2) Violation of compliance schedule milestones contained in a local control mechanism or enforcement order for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

(3) Failure to provide reports for compliance schedules, self-monitoring data, or Categorical Standards (baseline monitoring reports, ninety-day (90) compliance reports, and periodic reports) within thirty (30) days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations which the Board, on the recommendation of the Superintendent**,** considers to be significant.

KKK. Sludge. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects.

LLL. Slug Discharge or Slug Load. Any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or a non-customary batch discharge that may cause interference to the POTW or any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 3.1 of this ordinance.

MMM. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

NNN. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

OOO. Superintendent. The person designated by the City of Batesville who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

PPP. Surcharge. A charge for sewerage services in addition to the basic sewage charge. This charge is assessed to Users whose sewage places a burden on the POTW greater than that covered by the basic sewage charges.

QQQ. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.

RRR. User. A person who introduces or discharges any substance into the POTW.

SSS. User Charge. A charge levied on Users of the POTW, or that portion of the ad valorem taxes paid by a User, for the User's proportionate share of the cost of operation and maintenance, including replacement, of the treatment works.

TTT. User Classes. The following are the User Classes:

(1) Commercial User. Transit, lodging, retail, and wholesale establishments or places engaged in providing merchandise for personal, household, or industrial consumption and rendering services to others.

(2) Governmental User. A User engaged in legislative, judicial, or administrative activities of Federal, State, and local governments such as courthouses, police and fire stations, city hall, and similar governmental uses.

(3) Industrial User. Any person who introduces or has the potential to introduce pollutants into a POTW from any manufacturing, non-commercial, or non-domestic source.

(4) Institutional User. A publicly- or privately-owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.

(5) Residential User. A User who introduces only normal domestic sewage from a single-family or multi-family dwelling into the POTW.

UUU. Waste. Sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including waste placed within containers of whatever nature prior to and for purposes of disposal.

VVV. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

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

XXX. Wastewater Discharge Permit. A permit issued by the City to a User of the wastewater utility which establishes specific conditions and requirements.

YYY. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL REQUIREMENTS

2.1 General Regulations

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the City, or in any area under the jurisdiction of the City, any human excrement, garbage, or other objectionable waste.

B. It shall be unlawful to discharge to any natural outlet or to any storm sewer within the City, or in any area under the jurisdiction of the City, any sanitary sewage, process water, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance. All discharges must meet all applicable Federal, State, and local laws and regulations.

C. It shall be unlawful to discharge any substance into a manhole or other opening in the sewerage system other than through an approved building or house lateral sewer, except in accordance with this ordinance or the express permission of the Board.

D. Unless approved by the Superintendent, no person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water, swimming pool water, or other unpolluted water to any sanitary sewer. Storm water and other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or combined sewers or to a natural outlet as approved by the Superintendent. Industrial non-contact cooling water may be discharged to a storm sewer, combined sewer, or natural outlet as approved by the Superintendent. All discharges must meet all applicable Federal, State, and local regulations.

E. No person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the City's sewerage works.

F. Except as provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities within the boundary limits of the City intended or used for the disposal of sewage or wastewater. Existing septic tank systems and fields may be repaired and maintained in accordance with applicable laws and ordinances. No privy, septic tank, cesspool, or other facility shall release sewage effluent to the surface of the ground or any receiving water course.

G. No persons shall knowingly make or submit to the City a false statement, representation, record, report, plan, or other document required to be filed under this ordinance or a regulation adopted by the Board or voluntarily filed for the City to rely upon. No person shall falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring, or timing device required or installed under this ordinance. Persons submitting false information may be fined in accordance with Section 11.6(B) of this ordinance.

H. An industrial User shall not alter industrial processes or other activities for the purpose of rendering samples or measurements that are not characteristic or representative of normal operations, flows, or concentrations of pollutants. Persons submitting false information may be fined in accordance with Section 11.6(B) of this ordinance.

2.2 Connection Requirements; Connection Charge

A. The owner of any building that generates sewage or wastewater situated in the City and abutting any street, alley, or right-of-way in which there is or may in the future be located a public sewer of the City must, at the owner's own expense, install suitable toilet facilities and connect those facilities directly to the public sewer in accordance with the provisions of this ordinance, provided that the public sewer is within three hundred (300) feet of the property line. The City shall give the property owner notice by certified mail at least ninety (90) days before the date specified for connection in the notice.

B. Where a public sanitary or combined sewer is not available under the provisions of Section 2.2(A) of this ordinance, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Indiana State Board of Health.

C. The owner shall operate and maintain private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

D. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2.2(B) of this ordinance and upon receipt of the official notice as provided in Section 2.2(A) of this ordinance, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned within ninety (90) days after the date specified for connection in the notice.

E. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the local health officer.

F. The owner of every lot, parcel of real estate, or building connecting to a municipal sewer financed or paid for by the City shall, prior to being permitted to make the connection, pay a connection charge as provided in Section 2.2(G) of this ordinance. The Council finds the charges set forth in Section 2.2(G) of this ordinance to be reasonable and equitable prorations of the cost of construction of a local or lateral sewer adequate to serve the property connecting to the sewer.

G. Connection Charges:

(1) The owner of any lot, parcel of real estate, or building connecting to the City's sanitary sewage system shall, prior to being permitted to make the connection, pay a connection charge of two thousand dollars ($2,000).

(2) All residents who tap into a forced main sewer line as part of the City's sewer collection system shall be responsible for furnishing their own grinder joinings and related plumbing and electrical appliances. The connection charge is waived once the resident supplies the requisite items.

2.3 Connection Permits

A. No unauthorized person shall uncover, make any connections with, cut an opening into, alter, or disturb any sewer lateral to or from any sewer which is a part of the municipal sewage system without first obtaining a written permit from the Superintendent. The permit must be on-site during all sewer construction.

B. There shall be two classes of building sewer permits. One for residential and commercial services and a second for establishments producing industrial waste. There also shall be a sewer connection or tap permit.

C. An application for a permit shall be made on a blank form furnished by the Superintendent for that purpose and shall be accompanied by a bond payable to the City in the amount of twenty-five dollars ($25) and conditioned upon the permittee replacing the street, alley, or public place in the same condition as it was prior to entrance into the sewer. The approval by the Street Commissioner of the tap permit shall void the bond.

D. Each permit application shall give the precise location of the property, the name of the owner, and the name of the person employed to do the work. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the Superintendent.

E. These permits shall expire within ninety (90) days of the date of their issuance. The Superintendent may issue a second 90-day permit without additional charge if application is made prior to the expiration of the first permit and the application adequately explains why the construction of the building sewer was not made within the first 90-day period.

F. The person employed to do the work shall not commence any work until after examining the permit issued by the City.

G. Upon the issuance of the permit, the City shall designate the position or location of the Y-branch in the street. After the work has been done, the permittee shall file in the Clerk-Treasurer's office, on a blank form furnished for the purpose, a correct statement of the work done under the permit and a sketch showing the location of the lateral sewer.

H. Upon the issuance of a permit required by this Section, the permittee shall pay an availability fee to the City in an amount which equals one thousand five hundred dollars ($1,500) per equivalent dwelling unit ("EDU"). The amount of EDUs assigned is based on the following table:

Type of User	Unit Equivalent
Single-family residences and condominiums	**1.00**
Multi-family	
One bedroom	**0.50**
Two bedrooms	**0.74**
Three or more bedrooms	**1.00**
Assembly halls, lodges, and veteran organizations	**0.006 per seat**
Barber and beauty shops	**0.60 per chair**
Bars and cocktail lounges	**0.10 per seat**
Bowling alleys	**0.32 per lane**
Car washes	**2.00 per bay**
Churches	**0.008 per seat**
Day care centers	**0.03 per child and staff member**
Doctor/Dentist offices	**1.00 per 2,500 sq. ft. of bldg. area**
Drive-In/Drive-Thru restaurants	**0.40 per car space**
Hospitals	**0.50 per bed**
Institutions other than hospitals	**0.50 per bed**
Kennels	**0.10 per cage**
Laundromats	**1.00 per washing machine**
Mobile home parks	**1.00 per space**
Motels and hotels	**0.32 per room**
Nursing homes	**0.50 per bed**
Offices/Government agencies	**0.50 per 2,500 sq. ft. of bldg. area**
Restaurants	**0.10 per seat**
Retail space	**1.00 per 2,500 sq. ft. of bldg. area**
- with fountain, add	**0.10 per seat**
Rooming houses	**0.30 per renter**
Schools	**0.04 per pupil**
Service stations	**1.50 per island**
Theaters	**0.01 per seat**
Manufacturing facilities	**Based on industrial process used, City shall estimate usage in terms of its equivalence to a single-family dwelling unit**
Unique facilities	**Negotiated with Board**
Warehouses	**0.02 per 2,500 sq. ft. of bldg. area**
Change in character or use by an addition or a remodel	**Per above table as applicable**

2.4 General Requirements for Building Sewers

A. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the City from any loss or damage that results directly or indirectly from the installation.

B. Sanitary sewage facilities built to serve residents or future residents of the City, or any facilities designed to convey wastewater into the City's system, shall be designed, constructed, and tested in accordance with the current *City Sanitary Sewer Specifications*.

C. No building sewer shall be laid, altered, or repaired except under the supervision of a person registered by the City to do such work.

D. All sanitary sewage facilities and appropriate easements shall be dedicated to the City upon completion and certification by the City Engineer that all requirements have been met.

E. All sanitary sewage facilities shall be designed by a registered professional engineer. Plans and specifications shall be submitted to the City Engineer (two (2) sets) and IDEM for approval prior to construction.

F. Prior to construction of any sanitary sewage facilities, the applicant shall obtain a bond by an approved surety, or other proof of financial responsibility as prescribed in this Section, that is in an amount determined by the Board to be sufficient to complete the sanitary sewage facilities in compliance with City specifications. Other proof of financial responsibility may take the following forms:

(1) An agreement in which cash would be advanced to the City by the applicant in an amount the Board determines is necessary to complete all facilities. As work is completed on a percentage basis as determined by the City Engineer, the City Clerk-Treasurer would release an equal percentage of the retained cash until five percent (5%) of the total is remaining. Upon final completion and acceptance of all facilities and the submittal of a maintenance bond as required, the applicant would receive the balance of the cash advance.

(2) An arrangement in which the City would have undeniable access to funds in an escrow account, or other type of account, held by a bank or other lending institution, until all of the sanitary sewage facilities have been completed, accepted, and a maintenance bond provided as required.

G. The applicant shall provide a three (3) year maintenance bond as required by the Board covering the constructed sanitary sewage facilities.

H. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no

private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. In these cases, the building or house lateral sewer from the front building or house may be extended to the rear building or house and the whole considered as one building or house lateral sewer. Nothing in this Subsection shall be construed to apply to lateral sewer connections between different facilities of an industrial User located on contiguous properties.

I. Old building sewers can be used in connection with new building sewers only when they are inspected by the Superintendent and found, in writing, to meet all the requirements of this ordinance.

J. All building sewer excavations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed during an excavation shall be restored by the owner in a manner satisfactory to the City. Appropriate construction safety measures shall be the responsibility of the owner and/or contractor.

K. Any person, firm, or corporation who constructs, repairs, or performs any sewer work within the City must apply for a certificate of registration. Subordinates are not required to be registered if the employing person, firm, or corporation previously registered with the City and a person, firm, or corporation who has registered for other types of construction or plumbing work need not be reregistered. The registeree shall file with the Clerk-Treasurer a copy of his State-issued license along with a good and sufficient surety bond in the sum of five thousand dollars ($5,000) for the faithful performance of the duties of the registeree, and a nonreturnable registration fee of fifteen dollars ($15). Registrations shall be nontransferable and shall be issued on an annual basis beginning January 1 of each year. If the registeree shall fail to perform the duties and service of his or her trade in a workmanlike manner, or performs them to the injury of or detriment to a resident of the City or any of its utilities, the registration shall be immediately revoked and action may be maintained on the bond for the workmanlike performance of duties.

L. Proper traffic controls shall be maintained in accordance with the *Manual on Traffic Control Devices* to guard the public against accidents during the building, maintenance, or repair of sanitary sewers. All IOSHA safety rules shall be adhered to during construction or repair of sanitary sewers.

2.5 Installation and Specification

A. The size, shape, alignment, materials, or construction of a building or house lateral sewer and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the latest editions of the *City Sanitary Sewer Specifications*, *Indiana Plumbing Rules*, and other applicable rules and regulations of the City.

B. The size and slope of building sewers are subject to the approval of the Superintendent, but in no event shall the slope be less than one-eighth inch (1/8") per foot.

C. Whenever reasonably possible, the building or house lateral sewer shall be brought to the building or house at an elevation below the basement floor. In all buildings or houses in which any building or house drain is too low to permit gravity flow to the appropriate public sewer, wastewater carried by the building or house drain shall be lifted by an appropriate means approved by the Superintendent and discharged to the building or house lateral sewer. Water operated sewage ejectors shall not be used.

D. No building sewer or house lateral sewer shall be laid parallel to or within three (3) feet of any bearing wall that might be weakened. The depth shall be sufficient to afford protection from frost. The building sewer or house lateral sewer shall be laid at a uniform grade and in straight alignment as far as possible. Change in direction shall be made only with properly curved pipes and fittings.

E. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved, in writing, by the Superintendent. Pipe laying and backfill shall conform with ASTM specifications. No backfill shall be placed until the work has been inspected and approved, in writing, by the Superintendent.

F. All joints and connections shall be made gas tight and watertight. Cast iron pipe joints shall be firmly packed with Oakum or hemp and filled with molten lead, Federal specification QQ-L-156, not less than one inch (1") deep. Lead shall be run in one pouring and caulked tight. No paint, varnish, or other coating shall be permitted on the joining material until after the joint has been tested and approved, in writing, by the Superintendent.

G. All joints in vitrified clay pipe or between such pipes and metal shall be made with approved joining material in accordance with the *Indiana Plumbing Rules*. Other joining materials and methods may be used only if approved, in writing, by the Superintendent.

H. No person shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, or other sources of surface runoff or ground water to a building or house lateral sewer or building or house drain which is in turn connected directly or indirectly to the sewerage system. All property owners who have such connections must disconnect the same prior to January 1, 1998.

2.6 Building Sewer Connection to Public Sewer

A. The connection of the building sewer into the public sewer shall be made at the "Y" branch if the "Y" branch is available at a suitable location.

B. If the public sewer is twelve inches (12") or less in diameter and a "Y" branch is not available at a suitable location, the owner, at the owner's expense, shall install a "Y" branch in the public sewer at a location specified, in writing, by the Superintendent.

C. If the public sewer is greater than twelve inches (12") in diameter and a "Y" branch is not available at a suitable location, the following steps may be taken if approved, in writing, by the Superintendent:

(1) A neat hole may be cut into the public sewer to receive the building sewer.

(2) Entry shall be made in the downstream direction at a forty-five degree (45º) angle.

(3) The spigot end shall be cut so that it does not extend past the inner surface of the public sewer.

(4) The invert of the building sewer at the connection point shall be the same or higher elevation than the invert of the public sewer.

(5) A small neat joint shall be made.

(6) The connection shall be encased in concrete to make it secure and watertight.

(7) Special fittings may be used for the connection only when approved, in writing, by the Superintendent.

D. All additions, tap-ins, and joining to the sanitary sewer system of the City shall be completed with the use of a saddle tap and no tile of any type shall be tied into the City system with the use of the tap.

E. Building or house lateral sewer permit applicants shall notify the Superintendent when a building or house lateral sewer is ready for inspection and connection to the public sewer. All connections to the public sewer shall be made under supervision of the Superintendent. Notice shall be given at least forty-eight (48) hours in advance to allow the Superintendent to schedule the inspection and connection. The applicant shall not cover the lateral sewer until the inspection is completed and the connection approved.

2.7 Maintaining and Repairing Sewers

A. The maintenance and repair of sanitary sewers owned by the City shall be the responsibility of the City. The maintenance and repair of all trunk lines are the responsibility of the City only if an easement has been granted to the City.

B. All repair and maintenance of lateral sewers, including the tap into the trunk line, shall be the responsibility of the property owner, who shall first secure a permit as provided by Section 2.3 of this ordinance and post the bond required therein to insure proper replacement of City property.

C. The City shall require a property owner to repair or replace the sewer lateral if an excessive amount of infiltration of storm or ground water enters the City sewage system or if actual physical defects are found in the lateral infiltration limitations as described in the *City Sanitary Sewer Specifications*. Tests used to determine defects in sewer laterals include smoke testing, camera inspection, and other methods approved by the Board.

D. In all questionable cases of sanitary sewer maintenance or failures, the property owner shall have the repairs made at his or her own expense, and then present the claim to the Board along with a paid and receipted statement from the private contractor. If the City has repairs made that are the responsibility of the property owner as set forth in this Section, the City shall require payment from the property owner of all expenses for such repair.

E. In all instances where a sewer is dug up under a City street, the ground shall be hauled away and the backfill made with granular fill.

F. Whenever any repairs are made to the sewer system, the Superintendent shall inspect and approve, in writing, the installation before the backfill is put in.

G. All work in the maintenance or repair of sanitary sewers shall be performed according to the latest edition of the *City Sanitary Sewer Specifications*, the *Recommended Standards for Sewage Works*, and the *Indiana Plumbing Rules*, as published by the Indiana Fire Prevention and Building Safety Commission.

2.8 Extensions Outside the City

No person shall directly or indirectly make any connections with or openings into the sewerage system or appurtenances owned or operated by the City for the purpose of serving any areas outside the corporate boundaries of the City without first securing a specific resolution of the Board describing the real estate and property to be served and authorizing the connection.

2.9 Right to Prohibit New Connections

The City shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, BOD, or suspended solids loading from the prospective User.

2.10 Private Wells

A. Every owner or real estate occupant within the corporate limits of the City from which there is a direct or indirect flow into the sewerage system shall report the existence of any well to the Superintendent on a form provided by the Superintendent. The information furnished shall include, at a minimum, the following:

(1) The name(s) of the owner and occupant of the real estate.

(2) The location of the well on the real estate.

(3) The size of the well pipe.

(4) The size, voltage, amperage, and horsepower, where ascertainable, of the well pump motor.

(5) The purpose for which the well water is used by the owner, occupant, or others.

B. The Board shall determine, by any reasonable means, the flow of the well to determine the amount of sewage entering the sewerage system. Reasonable means include, but are not limited to, the use of water meters and timing devices ("metering device"). The Board shall approve the metering device utilized. The metering device shall be paid for by the property owner or occupant and shall remain the property owner's or occupant's property, but shall be under the exclusive control of the Board. No person shall tamper with the metering device.

C. In the case of wells for household use only, the Board may provide for the use of reasonable estimates regarding water volume in lieu of metering devices.

D. The Board may direct the Superintendent, Inspector, or other employee to enter private property to:

(1) Determine the existence of private wells.

(2) Oversee or direct the installation of metering devices.

(3) Read the metering devices.

E. No person shall dig or drive a well within the City limits without applying for and receiving permission from the Superintendent, in writing, to dig a well. The application shall be on a form furnished by the Superintendent and shall supply pertinent data regarding the size and flow of the well. The application shall be signed by the installer of the well, the contractor, or other person doing the work, and the owner or his or her agent.

SECTION 3 - WASTEWATER ADMISSIBILITY AND GENERAL REQUIREMENTS

3.1 Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW, whether or not they are subject to Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 150ºF (65ºC) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than ~~9.0~~ (10.0), or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 2,000 mg/l daily average. TSS levels in excess of 250 mg/l daily average may be subject to a surcharge per Section 3.2 of this ordinance. TSS levels in excess of 2,000 mg/l daily average may result in the imposition of a fine per Section 11.6 of this ordinance;

(4) Pollutants, including oxygen-demanding pollutants (BOD, *etc.*), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW. BOD levels in excess of 250 mg/l daily average may be subject to a surcharge per Section 3.2 of this ordinance. BOD levels in excess of 1,000 mg/l daily average may result in the imposition of a fine per Section 11.6 of this ordinance;

(5) Wastewater having a temperature greater than 150ºF (65.5ºC) or that will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104ºF (40ºC);

(6) Ammonia levels in excess of 8 mg/l daily average may be subject to a surcharge per Section 3.2 of this ordinance. Ammonia levels in excess of 15 mg/l daily average may result in the imposition of a fine per Section 11.6 of this ordinance;

(7) FOG levels in excess of 100 mg/l daily average may be subject to a surcharge per Section 3.2 of this ordinance. FOG levels in excess of 200 mg/l daily average may result in the imposition of a fine per Section 11.6 of this ordinance;

(8) Phosphorus levels in excess of 10 mg/1 daily average may be subject to a surcharge per Section 3.2 of this ordinance. Phosphorus levels in excess of 25 mg/1 daily average may result in the imposition of a fine per Section 11.6 of this ordinance;

(9) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(10) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW sewers, including in a quantity that may cause acute worker health and safety problems;

(11) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.4 of this ordinance;

(12) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(13) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES Permit (No. IN0039268);

(14) Wastewater containing any radioactive wastes or isotopes, except in compliance with applicable State or Federal regulations;

(15) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

(16) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(17) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

(18) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(19) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW, including AAS and ABS; or

(20) Instantaneous flows and loadings which are in excess of the POTW's functional and treatment capacities or are likely to cause overflow conditions.

C. Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

D. Unpolluted water shall not be discharged through direct or indirect connection to the POTW. Limitations on the amount of unpolluted water that is discharged shall be part of the User's permit.

E. Only properly Shredded Garbage, as defined in Section 1.4(HHH) of this ordinance, may be discharged into the POTW.

3.2 Abnormal Waste Surcharge

A. All wastewater discharged by Significant Industrial Users shall meet the admissibility standards set forth in Section 3.1 of this ordinance.

B. The costs of treatment for each pound of BOD, suspended solids, or grease removed by each treatment works shall be reviewed by the City at the end of each

fiscal year. If a discrepancy exists between the actual costs as found by the City and the estimated costs, the City shall increase or decrease the surcharge rates sufficiently to cover only the projected actual costs for the ensuing year.

C. No reduction in service charges, fees, or taxes will be permitted because of the fact that certain industrial wastes discharged to the public sanitary sewerage system contain less than the surcharge based limitations.

D. Surcharge rates for wastewater characteristics not provided for in Section 3.2(E) of this ordinance may be set at the reasonable discretion of the Board, taking into account all of the POTW's significant cost factors relating to treatment, handling, and disposal.

E. The surcharge rates for the following constituents, in addition to volumetric charges, are as follows:

(1) $0.23 per pound of BOD in excess of 250 mg/l daily average.

(2) $0.23 per pound of COD, where BOD cannot be determined, in excess of 500 mg/l daily average.

(3) $0.26 per pound of suspended solids in excess of 250 mg/l daily average.

(4) $0.26 per pound of FOG in excess of 100 mg/1 daily average.

(5) $0.25 per pound of ammonia in excess of 8 mg/1 daily average.

(6) $2.79 per pound of phosphorus in excess of 10 mg/l daily average.

3.3 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

C. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

D. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

3.4 Local Limits

The following pollutant limitations are established to protect against pass through and interference. No non-residential User shall discharge wastewater containing in excess of the following daily maximum concentrations based upon a flow proportional sampling or time proportional sampling. Additionally, no non-residential User shall discharge wastewater containing in excess of the following maximum concentrations times a multiplier of 1.5 based upon a grab sample. The 1.5 grab sample multiplier does not apply to cyanide and phenols in that analytical procedures do not allow for composite techniques to be applied to these parameters. For cyanide and phenols, three (3) grab sample results shall be analyzed. Results shall not exceed the following noted limitations:

15.0	mg/l Ammonia
2,000	mg/l BOD_5
0.11	mg/l Cadmium (total)
4,000	mg/l COD_5
2.77	mg/l Total Chromium
3.38	mg/l Copper
0.10	mg/l Cyanide (total N,T) for one day or 1.0 mg/l for 30 consecutive day average
200	mg/l Fats, Oils & Grease (animal or vegetable origin)
100	mg/l Fats, Oils & Grease (mineral or petroleum origin)
0.69	mg/l Lead (total)
1.0	mg/l Molybdenum
0.75	mg/l Nickel
1.0	mg/l Phenolic compounds that cannot be removed by the POTW
25.0	mg/l Phosphorus
0.43	mg/l Silver
2,000	mg/l TSS (Total Suspended Solids)
1.0	mg/l TTO (Total Toxic Organics)
2.61	mg/l Zinc (total)

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" recoverable metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Upon the promulgation of the National Categorical Pretreatment Standard (NCPS) for a particular User, that standard, if more stringent than the limitations imposed under this Section for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this ordinance. The Superintendent shall notify all known affected Users of the applicable permitting and reporting requirements under 40 CFR 403.12.

3.5 City's Right of Revision and Modifications

A. The City reserves the right to establish, by ordinance or in wastewater discharge permits, different or more stringent standards or requirements on discharges to the POTW that are reasonably necessary to enable the City to comply with its NPDES Permit and Federal and State laws to which the POTW is subject.

B. Any significant modifications the City intends to make will be submitted to PUWWS for approval prior to being enacted. Significant modifications include the following:

(1) A major modification in the City's administrative procedures.

(2) A significant reduction in the monitoring procedures.

(3) A significant change in the financial or revenue limitations contained in this ordinance.

(4) A change in the industrial survey.

(5) A change in Federal or State regulations or requirements.

(6) An increase in pollutant limits.

3.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Superintendent may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 4 - PRETREATMENT OF WASTEWATER

4.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 3.1 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

4.2 Additional Pretreatment Measures

Additional pretreatment measures shall be installed and maintained at the User's expense to the satisfaction of the City:

A. Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.

B. The Superintendent may require any person discharging into the POTW to install and maintain, on the User's property and at the User's expense, a suitable storage and flow-control facility to insure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand; except that such interceptors shall not be required for residential use. All interception units shall be of the type and capacity approved by the Superintendent and shall be located to be easily accessible for cleaning and inspection. The interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at the User's expense.

E. Users who operate vehicular wash facilities shall provide, operate, and maintain pretreatment facilities and operational procedures required and approved by the Superintendent to control solids and preclude the discharge of toxics to the POTW.

F. Users who operate food preparation facilities shall provide, operate, and maintain pretreatment facilities and operational procedures required and approved by the Superintendent to control the discharge of FOG and food solids to the POTW.

4.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Superintendent shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Superintendent may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any User and require the User to comply with the plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 7.6 of this ordinance; and

D. Procedures to prevent adverse impact from any accidental 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.

4.4 Hauled Wastewater

A. Wastewater haulers are prohibited except under the express and specific written permission of the Superintendent. Hauled wastewater accepted under this Section may have been generated either within or outside Ripley or Franklin Counties.

B. Industrial or septic waste haulers who receive the express and specific written permission of the Superintendent to introduce industrial or septic waste into the POTW must comply with the following conditions:

(1) Industrial or septic waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior written consent of the Superintendent. The Superintendent may collect samples of each hauled load to insure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(2) Industrial or septic waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA Hazardous Wastes.

SECTION 5 - WASTEWATER DISCHARGE PERMIT APPLICATION

5.1 Wastewater Analysis

When requested by the Superintendent, a User must submit information on the nature and characteristics of its wastewater within fourteen (14) days of the request so that the Superintendent or Board can determine if the User is a Significant Industrial User. This due date may be extended by the Superintendent, in writing, upon written request by the User submitted to the Superintendent at least three (3) days prior to the due date. The User's written request must include, at a minimum, reason(s) the request should be granted and a proposed due date. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

5.2 Wastewater Discharge Permit Requirement

A. No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a SIU that has filed a timely application pursuant to Section 5.3 of this ordinance may continue to discharge for the time period specified therein.

B. The Superintendent may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 11 through 13 of this ordinance.

D. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

5.3 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 5.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance unless a permit application has been filed and, once acted upon, except in accordance with a wastewater discharge permit issued by the Superintendent.

5.4 Wastewater Discharge Permitting: New Connections

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 5.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

5.5 Wastewater Discharge Permit Application Contents

All Users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all Users to submit as part of an application the following information:

A. All information required by Section 7.1(B) of this ordinance;

B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW and MSDSs for all chemicals used which are subject to potential discharge;

C. Number and type of employees, hours of operation, and number of proposed or actual hours of operation;

D. Each product produced by type, amount, process or processes, and rate of production;

E. Type and amount of raw materials processed (average and maximum per day);

F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

G. Time and duration of discharges; and

H. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application, including studies or other information deemed pertinent by the Superintendent or Board.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

5.6 Application Signatories and Certification

All wastewater discharge permit applications and User reports must be signed by an authorized representative of the User and contain 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, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

5.7 Wastewater Discharge Permit Decisions

The Superintendent will evaluate the data furnished by the User and may require additional information. Within fifteen (15) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

5.8 Fees, Rates, and Charges

All Users are subject to all applicable fees, rates, and charges set forth in Section 15 of this ordinance.

SECTION 6 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

6.1 Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit, unless administratively extended by the Superintendent in writing. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

6.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the waterbody receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect against damage to the POTW, and insure the City is in compliance with its NPDES Permit.

A. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to and approval of the Superintendent in accordance with Section 6.5 of this ordinance and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable Pretreatment Standards;

(4) Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for the installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Superintendent to insure compliance with this ordinance and State and Federal laws, rules, and regulations.

6.3 Wastewater Discharge Permit Appeals

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any affected person, including the User, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance.

A. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for each objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

D. If the Superintendent fails to act within thirty (30) days of the mailing of the request for reconsideration, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review

E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Ripley or

Franklin County Circuit Court within thirty (30) days of the final administrative wastewater discharge permit decision.

6.4 Wastewater Discharge Permit Modification

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

E. Violation of any terms or conditions of the wastewater discharge permit;

F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

G. Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

6.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Superintendent and the Superintendent approves, in writing, the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide thirty (30) days advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

6.6 Wastewater Discharge Permit Revocation

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 7.5 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the Superintendent or his or her agent timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide thirty (30) days advance notice of the transfer of business ownership or operation of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit, or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership or operation. All wastewater discharge permits issued to a particular User are void upon the issuance of a new wastewater discharge permit to that User.

6.7 Wastewater Discharge Permit Reissuance

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 5.5 of this ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing wastewater discharge permit.

6.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality or sewer district contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal or interdistrict agreement with the contributing entity.

B. Prior to entering into an agreement required by Section 6.8(A) of this ordinance, the Superintendent shall request the following information from the contributing entity:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;

(2) An inventory of all Users located within the contributing entity that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

C. An intermunicipal or interdistrict agreement entered into after the effective date of this ordinance, as required by Section 6.8(A) of this ordinance, shall contain the following conditions:

(1) A requirement for the contributing entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 3.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;

(2) A requirement for the contributing entity to submit a revised User inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(4) A requirement for the contributing entity to provide the Superintendent with access to all information that the contributing entity obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing entity's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing entity's discharge;

(7) A provision insuring the Superintendent access to the facilities of Users located within the contributing entity's jurisdictional boundaries for the

purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal or interdistrict agreement.

SECTION 7 - REPORTING REQUIREMENTS

7.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources and sources that become categorical Users subsequent to the promulgation of an applicable Categorical Standard shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

B. Users described above shall submit the information set forth below:

(1) Identifying Information. The name and address of the facility, including the name of the operator and the owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classification(s) of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The Categorical Pretreatment Standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by

the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 7.10 of this ordinance.

(c) Sampling must be performed in accordance with procedures set out in Section 7.11 of this ordinance.

(d) MSDSs for all chemicals used which are subject to potential discharge.

(6) Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 7.2 of this ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 5.6 of this ordinance.

7.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 7.1(B)(7) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, project status reports, beginning operation, and attaining compliance);

B. No increment referred to above shall exceed nine (9) months;

C. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance which shall include, at a minimum, whether or not it complied with

the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

7.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Superintendent a report containing the information described in Section 7.1(B)(4)-(6) of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other 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. All compliance reports must be signed and certified in accordance with Section 5.6 of this ordinance.

7.4 Periodic Compliance Reports

A. All Significant Industrial Users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 5.6 of this ordinance.

B. All wastewater samples must be representative of the User'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 User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

C. If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 7.11 of this ordinance, the results of this monitoring shall be included in the report.

7.5 Reports of Changed Conditions

Each User must notify the Superintendent of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The Superintendent may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 5.5 of this ordinance.

B. The Superintendent may issue a wastewater discharge permit under Section 5.7 of this ordinance or modify an existing wastewater discharge permit under Section 6.4 of this ordinance in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater and the discharge of any previously unreported pollutants.

7.6 Reports of Potential Problems; POTW Reports to IDEM; Investigations

A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

B. Within five (5) days following such discharge, the User shall, unless waived in writing by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measure(s) to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall insure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

D. The Superintendent will document and notify IDEM, Office of Water Management's Compliance Evaluation, of any major violations of any discharge permit.

E. The Superintendent will investigate violations through the collection and analysis of samples and other information in a manner designed to produce evidence that will be admissible in an enforcement proceeding or judicial action.

7.7 Reports from Unpermitted Users

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require.

7.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation of this ordinance, a wastewater discharge permit, Federal, State, or local law, the User must notify the Superintendent within two (2) hours of becoming aware of the violation. The User also shall repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Superintendent monitors at the User's facility at least once a month or if the Superintendent samples between the User's initial sampling and when the User receives the results of this sampling.

7.9 Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the Superintendent, the EPA Region V Waste Management Division Director, and the IDEM, Office of Solid and Hazardous Waste, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 7.1, 7.3, and 7.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any such hazardous wastes do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Superintendent, the EPA Region V Waste Management Division Director, and IDEM, Office of Solid and Hazardous

Waste, in writing, of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

7.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

7.11 Sample Collection

A. Except as indicated in Section 7.11(B) below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of three (3) 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.

B. Samples for FOG, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

7.12 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not deposited, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

7.13 Recordkeeping

A. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3)

years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the Superintendent.

B. The City will retain pretreatment reports from industrial Users for a minimum of three (3) years. These records will be available for IDEM or EPA to copy in accordance with 327 IAC 5-16-3. This period will be extended during the course of any unresolved litigation, including appeals periods, regarding the discharge of pollutants by the industrial User or the operation of the hybrid pretreatment program, or upon the request of IDEM or EPA.

SECTION 8 - COMPLIANCE MONITORING

8.1 Industrial Monitoring

A. The City will inspect, sample, and analyze industrial discharges in the following manner:

(1) The sample types will be the same type as required in the IWP issued by the controlling legal authority.

(2) The samples will be collected at the sample location specified in the IWP issued by the controlling legal authority.

(3) A sampling and inspection program shall be implemented for, at a minimum, all IWP facilities. IWP facilities will be inspected at least annually.

(4) Samples will be collected at least quarterly.

(5) The analytical results of the samples will be submitted to the City and IDEM PUWWS by the 28th day of the month following the month in which the samples were taken.

(6) The City will keep a record of each industrial inspection it performs. A copy of each inspection report will be sent to the PUWWS within fifteen (15) days of its completion.

B. The City will immediately sample and analyze the POTW influent and effluent for suspected pollutant(s) when the POTW operation is upset. The City will immediately contact PUWWS and IDEM's Compliance Evaluation Section by telephone at the time of the occurrence. The results of each analysis conducted as a result of an upset will be submitted to PUWWS.

8.2 Industrial Survey

A. The Superintendent will maintain an industrial survey that contains information about each industrial User that discharges into the POTW.

B. Information concerning any industrial User commencing or ceasing discharge shall be updated on the industrial survey immediately. The Superintendent will notify the PUWWS of any new industrial User commencing discharge into the POTW within five (5) days.

8.3 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or his or her agent will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Superintendent or his or her agent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. The Superintendent may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to insure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. The User shall install and maintain suitable access means, together with any necessary appurtenances, to facilitate observation, sampling, and measurement of wastewater. The access means shall be constructed and maintained to the City's satisfaction at the User's expense.

F. Unreasonable delays in allowing the Superintendent or his or her agent access to the User's premises shall be a violation of this ordinance.

8.4 Search Warrants

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Ripley

County Circuit Court in Versailles, Indiana, or the Franklin County Circuit Court in Brookville, Indiana.

SECTION 9 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs and from the Superintendent's inspection and sampling activities shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 10 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent shall publish annually, in the largest daily newspaper published in the City of Batesville, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. This list shall include the name of the User and the basis for the SNC determination.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

11.1 Notification of Violation

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent, the Board, or the Council to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2 Agreed Orders

The Council may enter into agreed orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the

same force and effect as the administrative orders issued pursuant to Sections 11.4 and 11.5 of this ordinance and shall be judicially enforceable.

11.3 Show Cause Hearing

The Superintendent may order a User which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement to appear before the Council and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.4 Compliance Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.5 Cease and Desist Orders

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.6 Administrative Fines

A. When the Superintendent or the Council finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent or the Council may fine such User in an amount not to exceed two thousand five hundred dollars ($2,500) as provided by IC 36-1-3-8. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

B. When the Superintendent or the Council finds that a User has falsified any information provided to the Superintendent, the City, IDEM, or the EPA, the Superintendent or the Council may fine such User in an amount not to exceed two thousand five hundred dollars ($2,500) as provided by IC 36-1-3-8. Such fines shall be assessed on a per violation, per day basis.

C. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent (1.8%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.

D. Users desiring to dispute such fines must file a written request with the Superintendent or the Council, whichever assessed the fine, requesting the reconsideration of the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Council may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent or the Council may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

11.7 Emergency Suspensions

The Superintendent may immediately suspend a User's discharge, after formal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent also may immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment

to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 11.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 11.3 or 11.8 of this ordinance.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

11.8 Termination of Discharge

In addition to the provisions in Section 6.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

A. Violation of wastewater discharge permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the Pretreatment Standards in Section 3 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 12 - JUDICIAL ENFORCEMENT REMEDIES

12.1 Injunctive Relief

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the Ripley or Franklin County Circuit Court, through the City's Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on the activities of the User. The Superintendent also may seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental

remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

12.2 Civil Penalties

A. A User who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a maximum civil penalty of two thousand five hundred dollars ($2,500) per violation, per day. In the case of a monthly or other long term average discharge limit violation, penalties shall accrue for each day during the period of the violation.

B. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions taken by the User, the compliance history of the User, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

12.3 Reserved

12.4 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

SECTION 13 - SUPPLEMENTAL ENFORCEMENT ACTION

13.1 Performance Bonds

The Superintendent may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Board to be necessary to achieve consistent compliance.

13.2 Liability Insurance

The Superintendent may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous wastewater

discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

13.3 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply with the foregoing.

13.4 Public Nuisances

A violation of any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of this ordinance governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

13.5 Informant Rewards

The Superintendent may pay up to two hundred fifty dollars ($250) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty or an administrative fine levied against the User, the Superintendent may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed two hundred fifty dollars ($250).

13.6 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Council.

SECTION 14 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

14.1 Upset

A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph C, below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(3) The User provided the Superintendent with a verbal notification of the upset within two (2) hours of becoming aware of the upset; and

(4) The User submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

14.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 3.1(A) of this ordinance or the specific prohibitions in Sections 3.1(B)(3) through (16) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with its NPDES Permit (No. IN0039268), and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

14.3 Bypass

A. For the purposes of this Section:

(1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs C and D of this Section.

C. (1) If a User knows in advance of the need for a bypass, it shall submit prior written notice to the Superintendent at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within two (2) hours from the time it becomes aware of the bypass. A written submission also shall be provided to the Superintendent within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within two (2) hours.

D. (1) Bypass is prohibited, and the Superintendent may take an enforcement action against a User for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This

condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph C of this Section.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three (3) conditions listed in paragraph D(1) of this Section.

SECTION 15 - FEES, RATES, AND SEWER CHARGES

15.1 Permit Fees

A. Permit fees in the following amounts are to be paid at the time the application is filed:

(1) A permit fee of ten dollars ($10.00) for residential and commercial services.

(2) A permit fee of fifty dollars ($50.00) for an industrial building sewer permit.

(3) A permit fee of twenty dollars ($20.00) for industrial Users connected to the POTW prior to the effective date of this ordinance.

(4) A permit fee of one hundred dollars ($100.00) for industrial Users connecting to the POTW after the effective date of this ordinance.

B. Applicability of fees and sewer charges:

(1) Sewer charges shall be collected from the person who owns each and every parcel of real estate that is connected directly or indirectly to the City's sewerage system or otherwise discharges wastewater directly or indirectly into the City's sewerage system.

(2) The sewer charges established by this ordinance shall become effective at the time the User first discharges to the City's sewerage system.

15.2 Water Usage; Meter Reading Schedule

A. The sewer flow charges shall be based on the quantity of water as measured by the water meter used on or in the premises subject to the sewer charges unless otherwise provided in this ordinance.

B. Water shall be read monthly unless otherwise provided by the City.

15.3 Water Obtained From Other Sources

A. If a User obtains water partially or wholly from sources other than the City waterworks, the total water used must be measured as provided in Section 2.10 of this ordinance or as directed by the Board.

B. For single-family homes having a private well, but no City water supply, the sewer flow charge shall be for eight hundred (800) cubic feet per month. A meter may be installed on the private well, at the expense of the User, and at the request of the User or the City. The meter will be provided by the City and its installation approved by the City. If a meter is installed on a private well, the sewer flow charge will be as reflected on the meter.

15.4 Single Meter for Multiple Properties

A. Multiple Lots or Buildings. If two (2) or more residential lots, parcels of real estate, or buildings discharging wastewater into the City's sewerage system, directly or indirectly, are City water consumers and the quantity of water is measured by a single water meter, each User shall be billed for the average of the quantity of water used (quantity of water divided by total number of Users). The minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

B. Multiple Dwelling Units.

(1) If two (2) or more dwelling units (*i.e.*, trailers, apartments, or housekeeping rooms) discharging sanitary sewage, water, or other liquids directly or indirectly into the City's sanitary sewage system use water measured by a single water meter, each User shall be billed in accordance with Section 15.4(A) of this ordinance, except an additional charge of $0.60 per month shall be added for each dwelling unit over one (1) served through a single meter.

(2) For trailer parks, the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in the park in addition to any other dwelling units served through the meter.

(3) A dwelling unit is a room or rooms or space in which cooking facilities are provided.

15.5 Multiple Meters for Single Industrial User

If two (2) or more meters serve buildings or operations of an industrial User that discharge wastewater into the POTW at a single point, the industrial User shall be billed for a single service in accordance with Section 15.10 of this ordinance.

15.6 Portion of Water Not Entering Sewerage System

If a User utilizing more than twenty thousand (20,000) gallons of water per month can substantiate that a portion of the water does not and cannot enter the City's sewerage system, the Board shall determine the portion of the measured water to be used in determining the appropriate sewer charges or approve a technique of flow measurement for determining wastewater discharged to the sewerage system. Facilities and equipment utilized for flow measurement shall be installed and maintained in a manner approved by the City at the owner's expense. The City shall have the right to access the User's property and the flow measurement equipment to verify its accuracy and obtain any samples deemed necessary by the City.

15.7 Billing Procedures

A. Sewer bills and invoices shall be rendered and collected approximately monthly.

B. The Board shall make and enforce any bylaws and regulations as may be deemed necessary for the regulation, collection, rebating, and refunding of the sewer charges prescribed by this Section.

C. The Board may, on proper cause being shown by the applicant that in a singular occurrence metered water did not reach the sewerage system, adjust the User's sewer charge with respect to the occurrence.

D. Significant Industrial Users with a wastewater flow in excess of fifty thousand (50,000) gallons per average workday shall be billed on the basis of actual water discharged as measured by devices to measure wastewater flow in accordance with Section 7.3 of this ordinance and assessed quarterly. The City may accept monitoring data and information from a Significant Industrial User to substantiate billing determinations more frequently; this does not relieve the User from paying the cost of the City monitoring the User's wastewater in accordance with Section 17.1(C) of this ordinance.

E. In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the User may, within thirty (30) days of billing, appeal to the Board.

F. All sewer charges for use of the City's sanitary sewer system shall be based on the quantity as measured by the water meter used on or in the premises so served. No adjustment shall be made to such User charges for the sprinkling of lawns, filling of swimming pools, and other such water uses where it is probable that the water so used will not enter the sanitary sewer system, unless such water is separately metered or measured by the User with such metering devices as are approved by the Utility Services Board and the measuring equipment is available for inspection and reading by the City at all reasonable times.

15.8 Tenant Billing; Property Owner's Liabilities and Rights

A. Sewer charges will be billed to tenants occupying the premises receiving the services unless otherwise directed by the owner of the premises.

B. The owner of the premises is ultimately responsible for payment of the bill in the event the tenant does not pay the liability. Billing the tenant does not relieve the owner of the ultimate responsibility for payment.

C. The owner shall have the right to examine the City's collection records to determine whether or not the tenant has paid the sewer charges. The examination may be made at the office where the records are maintained and during the hours the office is open for business.

15.9 City Subject to Sewer Charges

City services or departments, except the wastewater utility, shall be subject to sewer charges established in this ordinance.

15.10 Sewer Charges

A. For the use and services rendered by the Batesville Sewage Works, permanent sewage charges shall be payable in the amount determined as follows:

Permanent Sewage Charges

	User Charge per 100 Cubic Feet	*Service Charge per 100 Cubic Feet*	*Total Monthly Sewage Charge per 100 Cubic Feet*
All Users per month	**$ 2.78**	**$ 1.52**	**$ 4.30**
Minimum charge (400 cubic ft.)	**$11.12**	**$ 6.08**	**$17.20**
Flat rate (800 cubit ft.)	**$22.24**	**$12.16**	**$34.40**

B. The Board is authorized to determine rates, charges, and fees for septic tank, industrial wastes, and other disposable wastewater and wastes delivered to the POTW as provided in Section 4.4 of this ordinance and to collect those charges and fees.

15.11 Delinquent Accounts

A. Charges for sewage services levied pursuant to this Section shall be due and payable on or before the due date shown on the bill.

B. Service charges not paid by the due date shall be considered delinquent.

C. Delinquent sewage charges together with costs and other expenses of collection may be collected by any lawful remedy, including, if applicable, placing and foreclosing liens on real estate pursuant to State law.

15.12 Adjustments for Fire Protection

If a metered water supply is used for fire protection and other uses, the City may make adjustments in the minimum charge and the use charge as equitable.

15.13 Equitable Adjustment; Unusual Circumstances

A. The City shall have the right to base its charges on volume, strength, or character of the wastewater in order that rates and charges may be equitably adjusted to services rendered.

B. The City reserves the right to determine, using flow meters or other reasonable means, the actual flow of any contributor into the City sewage system if the discharge appears to the Superintendent to exceed the contributor's water usage.

C. The identified owner of the real estate shall provide and maintain, at its own expense, flow measuring equipment approved by the Board. The flow measuring equipment shall remain the property of the owner, but shall be under the exclusive control of the Board. No person shall tamper with the flow measuring equipment.

15.14 Rates Outside City

For services rendered by the POTW to lots, parcels of real estate, or buildings located outside the City limits, the rates and charges, including the minimum charge, shall be one hundred fifty percent (150%) of the rates established in Section 3.2 and Section 15.10(A) of this ordinance.

SECTION 16 - REVIEW OF REGULATIONS BY CITY

16.1 Wastewater Review

The City shall review the wastewater contribution of Users, User classes, the total cost of operation and maintenance of the POTW, and its approved User charge system every two (2) to five (5) years**,** as necessary. The City shall revise the appropriate charges for uses and User classes to:

A. Maintain the proportionate distribution of operation and maintenance costs among Users and User classes.

B. Generate sufficient revenue to pay the total operation and maintenance costs of the POTW.

C. Apply excess revenues collected from a class of Users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

16.2 Notification

The City shall notify each User annually, in conjunction with the issuance of a bill, that portion of the User charge attributable to wastewater treatment services.

SECTION 17 - MISCELLANEOUS PROVISIONS

17.1 Pretreatment Charges and Fees

The Board may adopt reasonable fees for reimbursement of costs of setting up and operating the City's pretreatment program, which may include:

A. Fees for wastewater discharge permit applications, including the cost of processing such applications;

B. Fees for the issuance of permits;

C. Fees for monitoring, inspection, and surveillance procedures, including quarterly fees for the cost of collection of and analyzing a User's discharge, the collection of and analyzing samples, reviewing monitoring reports submitted by Users, and conducting site visits;

D. Fees for reviewing and responding to accidental discharge procedures and construction;

E. Fees for filing appeals; and

F. Other fees as the Board may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.

17.2 Sewage Works Improvement Fund

A. A Sewage Works Improvement Fund is established to be used to pay the costs of additions, extensions, and improvements to the POTW.

B. No sewage works revenues shall be credited to the fund until all other provisions of Ordinance 413 (issuance of bonds) are complied with.

C. The Board is authorized to make such additions, extensions, and improvements to the POTW as it deems necessary and proper after obtaining the Council's approval and to pay the cost of such additions, extensions, and improvements from the Sewage Works Improvement Fund.

17.3 Operation of POTW

The City shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic, and efficient management of the POTW.

17.4 Supercedes

This ordinance supercedes any ordinances and laws, or sections and provisions thereof, that conflict with this ordinance. Any provision of an ordinance in contradiction to this ordinance is hereby repealed.

SECTION 18 - EFFECTIVE DATES

This ordinance shall become immediately effective upon its adoption by the City of the Batesville City Council, signature by the Clerk-Treasurer, enrollment in the book of ordinances, and publication of notice as required by law. However, Section 5, Wastewater Discharge Permit Application, Section 6, Wastewater Discharge Permit Issuance Process, and any other industrial permitting-related provisions of this ordinance shall not become effective until IDEM delegates permitting authority to the City and/or requires the City through its NPDES Permit to become responsible for industrial permitting. The permitting provisions of the ordinance will become immediately effective upon delegation to the City by IDEM or upon industrial permitting responsibilities in the City's NPDES Permit becoming effective.

The foregoing Ordinance was passed and adopted by the_____ of the City of Batesville, Indiana, at a regular meeting held on the _____ day of _____, 2003.

_____
President

_____
Councilman

_____
Councilman

_____
Councilman

_____
Councilman

(SEAL)

ATTEST:

_____
Clerk-Treasurer