

ORDINANCE #PO-98-4

AN ORDINANCE TO AMEND AND RE-STATE AN ORDINANCE,
AS HERETOFORE AMENDED, REGULATING THE CONNECTION TO
AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS,
THE INSTALLATION AND CONNECTION OF BUILDING SEWERS,
AND THE DISCHARGE OF WATERS AND WASTEWATER INTO THE PUBLIC
SEWERAGE SYSTEM OF THE CITY OF FRANKFORT, INDIANA,
PROVIDING PENALTIES FOR VIOLATIONS THEREOF
AND OTHER MATTERS PERTAINING THERETO

WHEREAS, in order for the City of Frankfort, Indiana, to meet the applicable effluent limitations, national standards of performance, and other discharge criteria which are required or authorized by regulating the quality and quantity of wastewater discharge into the City's sewage works, it was necessary to enact an ordinance setting uniform requirements for discharges into the wastewater collection and treatment systems of the City of Frankfort, Indiana, and;

WHEREAS, Ordinance #PO-80-1, as heretofore amended, enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403) and amendments, and;

WHEREAS, this Ordinance shall further amend, and shall restate and replace said Ordinance #PO-80-1;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Frankfort, Indiana, as follows:

SECTION 1. DEFINITIONS

Unless the context specifically indicated otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

101. "Act" or "the Act" - The Federal Water Pollution Control Act, (PL 92-500) also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq., as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.
102. "Applicable Pretreatment Standard" - Any pretreatment limit or prohibitive standard (federal and/or local) contained in this Ordinance

deemed to be the most restrictive which non-domestic Users will be required to comply with.

103. “Approval Authority” - The Regional Administrator of the EPA.
104. “Authorized representative of Industrial User” - An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- 105. “Average Monthly Discharge Limitation” - The highest allowable average of “daily discharges” over a calendar month, calculated as of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.**
106. “Beneficial Uses” - These uses include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by State or Federal law.
107. “Biochemical Oxygen Demand” - (or B.O.D.) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods”.
108. “Building (or House) Drain” - The lowest horizontal piping of building drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.
- 108.1 “Building Drain - Sanitary” - A building drain which conveys sanitary or industrial sewage only.
- 108.2 “Building Drain - Storm” - A building drain which conveys storm water or other clear water drainage, but no wastewater.

109. “Building (or House) Lateral Sewer” - The extension from the building drain to the sewerage system or other place of disposal.
- 109.1 “Building Sewer - Sanitary” - A building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.
- 109.2 “Building Sewer - Storm” - A building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.
- 109.3 “Building Units” - Where more than one family, office, or business occupies a single building. Example: 2 or more apartments, 2 or more offices, 2 or more businesses occupy the same building, then each apartment, office, or business is counted as a single unit.**
110. “Categorical Standards” - National Categorical Pretreatment Standards or Pretreatment Standard.
111. “Chemical Oxygen Demand” - (or C.O.D.) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in “Standard Methods”.
112. “City” - The City of Frankfort, Indiana.
113. “Compatible Pollutants” - Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the City’s National Pollutant Discharge Elimination Systems (NPDES) permit, if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a “substantial degree”. The term “substantial degree” is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial.

Examples of the additional pollutants which may be compatible include:

- a) Chemical oxygen demand
- b) total organic carbon
- c) phosphorous and phosphorous compounds

- d) nitrogen and nitrogen compounds
 - e) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
114. **“Composite Sample” - A composite sample should contain a minimum of eight discrete samples taken at equal time intervals proportional to the flow rate over the composting period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.**
115. **“Control Authority” - Utility Service Board of the City of Frankfort, Indiana.**
116. **“Daily Discharge” - Discharge of a pollutant “measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling”.**
117. “Department” - The City of Frankfort Wastewater Treatment Plant, including the sewer collection.
118. “Domestic Sewage” - Wastewater from typical residential Users and having pollutant characteristics of not greater than 200 mg/l BOD and 250 mg/l suspended solids.
119. **“Easement” - An acquired legal right of the specific use of land owned by others.**
120. “Effluent” - Water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
121. **“Environmental Protection Agency, or EPA” - The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the administrator or other duly authorized official of said agency.**
122. “Fecal Coliform” - Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

123. “Floatable Oil” - Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.
124. “Garbage” - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.
125. “Grease and Oil” - 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. Greases and oils are defined by the method of the determination in accordance with “Standard Methods”.
- 125.1 “Grease and Oil of Animal and Vegetable Origin” - Substances of biodegradable nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.
- 125.2 “Grease and Oil of Mineral Origin” - Substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.
126. “Ground (Shredded) Garbage” - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) inch in dimension.
127. “Grab Sample” - A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
128. “Holding Tank Waste” - Any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks and the like.
129. “Incompatible Pollutant” - Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.
130. “Industrial User” - Any industrial, commercial, governmental, manufacturing or processing facility that introduces pollutants into the publicly owned treatment works from any non-domestic source regulated under the Act, State Law/or local ordinance.

131. “Industrial Wastes” - Any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial User.
132. “Industrial Waste Permit” - A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW.
133. “Infiltration” - The water entering a sewer system, including sewer service connections, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.
134. “Infiltration/Inflow” - The total quantity of water from both infiltration and inflow without distinguishing the source.
135. “Inflow” - The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cistern overflows, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.
136. “Influent” - The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
137. “Inspector” - A person authorized by the Board.
138. “Interference” - The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City’s NPDES Permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, The Toxic Substances Control Act, or more stringent state criteria (including those contained in any State sludge criteria, including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

139. **“Maximum Daily Discharge Limitations” - highest allowable daily discharge.**
140. **“Minor contributor” - A non-residential contributor that: (a) has potential for discharging pollutants that could violate specific local limits; or (b) has potential for accidental spill or slug discharges of pollutants to the sewage system.**
141. “Natural Outlet” - Any outlet into a watercourse, pond, lake or other body of surface or ground water.
142. “National Categorical Pretreatment Standard or Pretreatment Standard” - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial Users.
143. “National Prohibitive Discharge Standard or Prohibitive Discharge Standard” - Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5 and includes specific prohibitions or limits as developed by a POTW, either as a requirement of an Approved POTW Pretreatment Program or an NPDES Permit.
144. “New Source” - Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317). Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
145. “NPDES Permit” - National pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
146. “Nuisance” - Anything which is injurious to health or offensive to the senses or an obstruction of the free use of property so as to interfere with the comfort or enjoyment of life or property.
147. **“Pass Through” - A discharge which exits the POTW into the waters of the United States in quantities or concentrations which alone or**

with discharge or discharges from other sources is a cause or causes a violation of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation.

148. “Person” - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives,
149. “pH” - The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram atoms per liter of solution.
150. “Pollution” - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
151. “Pollutant” - Any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
152. “Premises” - A parcel of real estate including any single improvement thereon which is determined by the Board to be a single User for purposed of receiving, using and payment for service.
153. “Pretreatment” - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d), and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under Section 307 of Public Law 92-500, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.

154. “Pretreatment Requirements” - Any substantive or procedural requirement related to pretreatment, other than a national pretreatment Standard imposed on an industrial User.
155. **“Proper Operation and Maintenance” - Procedures executed in a prudent, cost-effective and workmanlike manner which achieve the highest and/or required effluent quality of industrial discharge attainable in conformance with the best available technology practices. Proper operation and maintenance requirements include avoidance of operational error, adherence to manual instructions, preventive maintenance, avoidance of careless or improper operation, neat accurate sampling, analysis and records retention, storage of process chemicals, lubricants, solvents, etc., in a safe and organized manner, avoidance of accidental spillage, keeping operating logs and other activities which produce the desired effluent quality.**
156. “Publicly Owned Treatment Works (POTW)” - A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this ordinance, “POTW” shall also include any sewers that convey wastewaters to the POTW from persons outside the (City) who are, by contract or agreement with the (City), Users of the (City’s) POTW. Also known as sewage works.
157. “POTW Treatment Plant” - That portion of the POTW designed to provide treatment to wastewater.
158. “Receiving Stream” - The watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.
159. **“Residential” - Single family dwelling.**
160. “Sanitary Sewage” - The waste from water closets, urinals, laboratories, sinks, bathtubs, showers, basement drains, household laundries, garage floor drains, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains and all other water-carried waste except industrial wastes.
161. “Sewage Works” - Sewers, wastewater treatment plant, sewerage system, and any associated structures or equipment. Also known as POTW.

162. “Sewer” - A pipe or conduit laid for carrying wastewater or other liquids.
- 162.1 “Combined Sewer” - A sewer which carries both storm, surface, ground water runoff and wastewater.
- 162.2 “Public Sewer” - A sewer in which all owners of abutting property have equal rights and which is controlled by public authority, including the following elements:
- 162.3 “Collection Sewer” - A sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- 162.4 “Interceptor sewer” - a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- 162.5 “Force Main” - A pipe in which wastewater is carried under pressure.
- 162.6 “Pumping station” - A station positioned in the public sewerage system at which wastewater is pumped to higher level.
- 162.7 “Sanitary Sewer” - A sewer which carries wastewater and to which storm, surface and ground waters and unpolluted industrial wastewater are not intentionally admitted.
- 162.8 “Storm Sewer” - A sewer which carries storm, surface and ground water drainage but excludes wastewater.
163. “Sewerage System” - The network of publicly-owned sewers and appurtenances used for collecting, transporting and pumping wastewater to the wastewater treatment plant.
164. “**Significant Industrial User**” - **A contributor that is any Categorical Industrial User (CIU) or a contributor that is any other Industrial user (IU) which: (a) has a discharge of twenty-five thousand (25,000) gallons or more per day; (b) has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Federal Act; (c) has a flow of five percent or greater of the discharge carried by the municipal system receiving the waste; (d) has a discharge which makes up five percent or more of the dry weather average hydraulic or organic capacity of the POTW; (e) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act of State Statutes and rules; or (f) is found by the City, State Control Agency, or the U.S. Environmental**

Protection Agency (EPA) to have a reasonable potential, either singly or in combination with other industries, for adversely affecting the wastewater treatment system, the quality of sludge, the system's effluent quality or air emissions generated by the system.

- 164.1** **“Significant Non-Compliance”** - Any user whose violation remains uncorrected 45 days after notification of non-compliance; which is part of a pattern of non-compliance over a twelve-month period; which involves failure to accurately report non-compliance; or which results in the POTW exercising its emergency authority. For the purposes of this provision, an industrial user is in non-compliance if its violation meets one or more of the following criteria:
- limit for**
- six-**
- grease,**
- (a) **Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average the same pollutant parameter;**
 - (b) **Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and and 1.2 for all other pollutants except pH);**
 - (c) **Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interferences or pass through (including endangering the health of POTW personnel or the general public);**
 - (d) **Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;**
 - (e) **Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;**

- (f) **Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;**
- (g) **Failure to accurately report non-compliance;**
- (h) **Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.**

165. “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 as defined in standards issued under Section 402, 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act PL 94-580.
166. “Slug” - Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes, more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and shall adversely affect the sewage works.
167. “Standard Industrial Classification (SIC)” - A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
168. “Standard Methods” - Shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.
169. “Storm Water” - Any flow occurring during or following any form of natural precipitation and resulting there from.
170. “Superintendent” - The administrative head of the Wastewater Treatment Plant.
171. “Supervisor, Sewer Maintenance” - Administrative head of sewer maintenance.

172. “Surcharge” - A charge for services in addition to the basic service charge.
173. “Suspended Solids” - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in “Standard Methods”.
174. “Total Solids” - The sum of suspended and dissolved solids.
175. “Toxic Amount” - Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 92-500.
176. “Toxic Pollutants” - Any pollutants listed under section 307 of the Clean Water Act determined to be harmful to organisms when discharged into waters.
177. **“Toxic Substances” - Any chemical or mixture that may present an unreasonable risk of injury to health or the environment.**
178. **“Toxics” - Those pollutants that have a toxic effect on living organisms.**
179. “Unpolluted Water” - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to sanitary sewers and wastewater treatment facilities provided.
180. **“Upset” - An exceptional incident in which a Discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Ordinance due to factors beyond the reasonable control of the Discharger, and excluding noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, lack of preventive maintenance or careless or improper operation thereof.**
181. “User” - Any person that discharges, causes or permits the discharge of wastewater into the sewerage system.

182. “User Classes” - The Industrial Class shall include any User, identified in the Standard Industrial Classification Manual of 1972, Office of Management and Budget, as amended and supplemented under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B - Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary services; and Division I - Services. The Non-Industrial Class shall include all Users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity.
183. “Utility Service Board” - The administrative governing body of the public utilities of the City of Frankfort, Indiana. Herein also referred to as the “Board”.
184. “Volatile Organic Matter” - The material in the sewage solids transformed to gases or vapors when heated at 550° centigrade for 15 to 20 minutes.
185. “Waste” - Includes 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 such waste placed within containers of whatever nature, prior to, and for purposes of disposal.
186. “Wastewater” - The water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
187. “Wastewater Constituents and Characteristics” - The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity and strength of wastewater.
188. “Wastewater Treatment Plant” - Any arrangement of devices and structures used for treating “Wastewater”.
189. “Watercourse” - A channel in which a flow of water occurs, either continuously or intermittently.

190. “Waters of the State” - Any water, surface or underground, within the boundaries of Indiana, except confined waters in sewers, tanks and the like.
191. The use of the word shall indicates a mandatory condition. The use of the word may indicated a discretionary condition.
192. Abbreviations

The following abbreviations shall have the designated meanings:

40 CFR 403 - General Pretreatment Regulations as published in the Federal Register on June 26, 1978, and on January 28, 1981, and in subsequent amendments thereto.

ASTM - American Society For Testing Materials.

BOD - Biochemical Oxygen Demand.

CFR - Code of Federal Regulations.

COD - Chemical Oxygen Demand.

EPA - Environmental Protection Agency.

ISBH - Indiana State Board of Health.

l - Liter.

mg - Milligrams.

mg/l - Milligrams per liter.

NPDES - National Pollutant Discharge Elimination System.

O&M - Operation and Maintenance.

POTW - Publicly Owned Treatment Works.

RCRA - Resource Conservation and Recovery Act (PL 94580).

SIC - Standard Industrial Classification.

SWDA - Solid Waste Disposal Act. 42 U.S.C. 6901, et. seq.

TSS - Total Suspended Solids.

USB - Utility Service Board.

USC - United States Code

WPCF - Water Pollution Control Federation.

SECTION 2. GENERAL PROVISIONS

201. Bylaws, Rules and Regulations. The Utility Service Board shall, in accordance with the statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Works, for the construction and use of building sewers and connections to the sewerage system, and for the implementation of the provisions of this Ordinance in general.
202. Requirements for Connecting to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has provided site plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation and has satisfied his obligation to pay all assessments, reimbursement or prorated shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit issued in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded. Sewer tap permits shall only be valid for a period of sixty (60) calendar days. Tap permits may be extended by the Sewer Maintenance Superintendent for not more than thirty (30) calendar days, provided that work is in progress.
- The Utility Service Board or its agent shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary or combined sewer any downspouts, sump-pumps, basement subsurface drains, cistern over-flows, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty (30) days after notice to comply with any such requirements. The Utility Service Board shall not authorize any tap permit which will cause excess flow, BOD and/or suspended solid loading of the wastewater treatment plant, force mains, lift stations or sewers.
203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system, by or from properties located outside such limits shall be prohibited, except upon prior approval by the Utility Service Board.
204. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph 203, the Utility Service Board shall have the authority to permit a property located outside the

corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.

205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of this Ordinance shall be served by the Board with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction as discussed in Section 10 and 11 of this ordinance. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Any person who shall continue any violation beyond the stated time limit shall be subject to a fine in an amount of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Five Hundred Dollars (\$2500.00). Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any provision of this ordinance shall be liable to the City for expense, loss or damage incurred by the City by reason of such violation.

206. The Board shall prohibit any new connection from inflow sources into the sanitary sewer potions of the sewerage system and shall assure that policies are established such that new sewers and connections to the sanitary sewers are properly designed and connected.
207. The Board shall not approve any new connection into the sanitary sewers which will cause overloading.
208. The terms of this Ordinance shall apply to the entire service area from which sewage is received and treated at the wastewater treatment plant, both inside and outside of the City's corporation limits.
209. **Any person who makes, or causes to be made, an excavation for the installation, replacement or repair of any sewer within the public right-of-way , which excavation exceeds five (5) feet in depth, shall use a safety trench box or similar device for the protection of employees, workers and the general public from the hazards of cave-ins.**
210. **Construction of any new combined sewers are prohibited.**

SECTION 3. DISCHARGE TO PUBLIC SEWERS

301. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City of Frankfort, or in any area under the jurisdiction of the City of Frankfort, any human or animal excrement, garbage or other objectional waste.
302. The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said public sewer tap is available at the property line or is within three-hundred (300) feet of the property line.
303. No person shall discharge or cause to be discharged to any sanitary sewer, whether directly or indirectly, storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water. The Board shall require the removal of unpolluted water from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all Users of those facilities.
304. Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the City. No new connection shall be made unless there is capacity available to all downstream storm sewers.
305. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit.
306. It shall be unlawful to discharge to any natural outlet within the City of Frankfort, or in any area under the jurisdiction of the Board, sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit.

307. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
308. **It is unlawful for the owner, tenant, occupant, or any person in a building or place where cooking is done, to discharge any grease into the city sewer system. Any commercial cooking facility shall install a grease trap interceptor and shall provide the city with proof of proper cleaning and disposal of said interceptor upon request. Grease-trap interceptors are not required for private living quarters or residential dwellings.**

SECTION 4. PRIVATE DISPOSAL AND SEWER SYSTEMS

401. Where a public sanitary sewer is not available under the provisions of Section 3, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
402. **Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit from the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by**
the city. A permit and inspection fee of **Three Hundred Twenty Five Dollars (\$325.00) for each residential connection, Four Hundred Dollars (\$400.00) for each commercial connection, and One Thousand Dollars (\$1000.00) for each industrial connection shall be paid to the Sewer Maintenance Division at the time the application is filed.**
- If more than one (1) Family, Office, or Business occupies the same building, then the initial permit/connection fee shall be a minimum of Four Hundred Dollars (\$400.00) plus an additional Twenty Five Dollars (\$25.00) per unit there after.**
403. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the City. The City shall be allowed to inspect the work at any stage of construction, and in any event, the applicant for the permit shall notify the City when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City.
404. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana and the Clinton County Health Department. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.
405. **For persons located within the municipal boundries of the City of Frankfort, at such time as a public sewer becomes available to a property served by a private sewage disposal system by reason of a sanitary sewer line being brought to within 300 feet of the property**

line of that person, a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools, and similar private disposal facilities shall be abandoned and filled with a suitable sand and gravel mixture.

For property owners outside the municipal boundaries of the City of Frankfort to whom the public sanitary sewer system of the City of Frankfort becomes available by a public sewer line being constructed to within 300 feet of that persons property line, the board, may by resolution, require the connection by such persons to the sanitary sewer line, and any septic tanks, cesspool, or similar private sewage disposal facility shall be abandoned and filled with a suitable sand gravel mixture.

and

406. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.
- 407. Upon oral or written notification the City or (its Agents) reserves the right to enter upon private property to inspect and or perform any test it deems necessary for the elimination of any direct or indirect inflow. Any cost associated with the inspection and testing shall be borne by the City. All cost and expenses of repairs that need to be performed shall be borne by the owner.**
408. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City.

SECTION 5. BUILDING SEWERS

501. No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, or appurtenance thereof, without first obtaining a written permit from the Board or its Agents.

502.A Existing Service. There shall be three (3) classes of building sewer inspection permits for replacement and or repair : (1) residential service, (2) for commercial service, and (3) for service to establishments producing industrial wastes. In each case, the owner or his representative shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board or its

Agents. There shall be a charge of Twenty-five Dollars (\$25.00) for a residential service, Fifty Dollars (\$50.00) for a commercial service, and One Hundred Dollars (\$100.00) for an industrial service made for such permit and inspection.

502.B New Services. Residential sewer tap/connection fee shall be Three Hundred and Twenty-five Dollars (\$325.00). If more than one tap is required per lot, additional tap(s) shall be billed based on time and material with a minimum cost of Three Hundred and Twenty-five Dollars (\$325.00) per tap.

All other sewer tap/connections shall be Four Hundred Dollars (\$400.00). If no tap is available the tap/connection fee will be billed based on time and material with a minimum cost of Four Hundred Dollars (\$400.00).

If more than one tap is required per lot, additional tap(s) shall be billed based on time and material with a minimum cost of Four Hundred Dollars (\$400.00) per tap.

If more than one (1) Family, Office, or Business occupies the same building, then the initial permit/connection fee shall be a minimum of Four Hundred Dollars (\$400.00) plus an additional Twenty Five Dollars (\$25.00) per unit there after.

503. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Board for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

- 504.** **A separate and independent building sewer shall be provided for every building designed for human occupancy or business, except that where one building stands at the rear of another on an interior lot and building no private sewer is available or can be constructed to the rear building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Cost of repair to be shared equally by both owners.**
505. Old building sewers may be used in connection with a new building only when they are found, on examination and test by the Supervisor, Sewer Maintenance, to meet all requirements of this ordinance.
506. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in the Recommended Standards for Wastewater Facilities ,A.S.T.M. and W.E.F. Manual of Practice No. 9 or current issues, and the Uniform Building and Plumbing Code of the State of Indiana shall apply.
- 507.** **Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. A cleanout shall be installed no farther than three (3) feet from the foundation. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible.**
508. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- 509.** **The connection of the building sewer into the public sewer shall be made at the “Y” branch /tap connection as set fourth in section 502. Special fittings may be used for the connection only when approved by the Superintendent of the Sewer Maintenance Department.**
510. The applicant for the building sewer permit shall notify the Supervisor of Sewer Maintenance when the building sewer is ready for inspection and

connection to the public sewer. The connection shall be made under the supervision of the said Supervisor or his representative.

511. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Supervisor of Sewer Maintenance.
512. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Supervisor of Sewer Maintenance. Pipe laying and backfill shall be performed in accordance with section 506 of this Ordinance, except that no backfill shall be placed without prior approval, until the work has been inspected.
513. All joints and connections shall be made gastight and watertight.
- 514. The owner of any building or other real estate which has a sewer, sometimes referred to herein as a “building sewer”, connected now or in the future to a public sewer shall be responsible for the maintenance, repair, replacement and the cleaning of the part of said building sewer which runs on or under his said real estate to the following point, to-wit: to the clean-out and or the curb line in the case where the public sewer is under a street ; to the nearest edge of the traveled portion of the alley, in the case where the public sewer is under an alley, and; to the nearest line of the particular easement, where the public sewer is in an easement. Provided, however, that this requirement shall not change the obligations of the owner under Paragraph 509 or any other paragraph, regarding the initial construction and connection of a building sewer to a public sewer.**

SECTION 6. PROVISIONS FOR STORM WATER AND DRAINAGE

601. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
602. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.
- 603. New and existing Service. There shall be three (3) classes of storm sewer permits: (1) for residential service, (2) for commercial service, and (3) for service to industrial users. In each case, the owner or his representative shall make application on a special form furnished by the Board. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Board or its Agents. There shall be a charge of Twenty-five Dollars (\$25.00) for a residential inspection, Fifty Dollars (\$50.00) for a commercial inspection, and One Hundred Dollars (\$100.00) for an industrial inspection made for such permit and inspection. When requested, and no connection is available, such connection maybe made available and all cost and expenses incident to the installation and connection shall be borne by the party requesting said connection.**

SECTION 7. WASTEWATER ADMISSIBILITY

701. Prohibitions and Limitations. The objectives of these Prohibitions and Limitations are:

To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;

To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

Except as hereinafter provided, no person shall discharge or cause to be discharged wastewater containing in excess of the following concentrations at the point(s) where such wastewater enters the sewerage system based upon average monthly discharge by-flow composite samples. Multiple industrial wastewater discharges from a permitted facility may be combined in a flow weighted manner to determine compliance with the following limitations for the average monthly discharge:

- 701.1 Any liquid or vapor, along or in conjunction with other discharges that exceeds 150° Fahrenheit (65°C) at the discharge to the sewer or that causes the treatment plant's influent to exceed 104°F (40°C), unless the City has received approval.
- 701.2 Any waters or wastes containing more than 100 milligrams per liter of compatible animal or vegetable fats, oils, greases or waxes of animal or vegetable origin, whether emulsified or not, which may solidify or become viscous at temperatures between 32° and 150°F (0 and 65°C).
- 701.3 Any gasoline, benzene, naphtha, fuel oil, mineral or synthetic oil or any other flammable or explosive liquid, solid or gas of mineral origin whether emulsified or not.

- 701.4 Any noxious or malodorous gas or substance which, either alone or by integrating with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 701.5 Any garbage that has not been properly ground.
- 701.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substance capable of causing interference with the proper operation of the sewerage system or the Wastewater Treatment Plant.
- 701.7 Any waters or wastes containing any identifiable chlorinated hydrocarbons.
- 701.8 Any waters or wastes having a pH lower than six (6) or higher than eleven (11) or having any other property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Works. If at any time the above limits are found to have an adverse effect upon the Wastewater Treatment Plant or the collection system, the limits will be changed to become more stringent and/or corrective action will be taken to insure that the City does not violate its discharge permit.**
- 701.9 Any copper (Cu) in excess of two and seven tenths (2.7) milligrams per liter in any wastes discharged into a public sewer.
- 701.10 Any zinc (Zn) in excess of two and six tenths (2.6) milligrams per liter in any wastes discharged into a public sewer.
- 701.11 Any chromium (Cr) (hexavalent) in excess of two (2.0) milligrams per liter in any wastes discharged into a public sewer.
- 701.12 Any chromium (Cr) (trivalent) in excess of two (2.0) milligrams per liter in any wastes discharged into a public sewer.
- 701.13 Total chromium (Cr) in any wastes discharged into a public sewer shall not be in excess of four (4.0) milligrams per liter.
- 701.14 Any nickel (Ni) in excess of two and six tenths (2.6) milligrams per liter in any wastes discharged into a public sewer.

- 701.15 Any lead (Pb) in excess of four-tenths (0.4) milligrams per liter in any wastes discharged into a public sewer.
- 701.16 Any cadmium (Cd) in excess of seven-tenths (0.7) milligrams per liter in any wastes discharged into a public sewer.
- 701.17 Any silver (Ag) in excess of one-hundredth (0.01) milligrams per liter in any wastes discharged into a public sewer.
- 701.18 Any cyanides, as total CN ions, in excess of two and seven-tenths (2.7) milligrams per liter in any wastes discharged into a public sewer.
- 701.19 Any tin (Sn) in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer.
- 701.20 Any phenolic compound in excess of one (1.0) milligram per liter in any wastes discharged into a public sewer.
- 701.21 Arsenic value will be set per EPA or IDEM requirement.**
- 701.22 Selenium value will be set per EPA or IDEM requirement.**
- 701.23 Molybdenum value will be set per EPA or IDEM requirement.**
- 701.24 Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
- 701.25 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system.
- 701.26 Any waters or wastes containing any toxic substances in quantities that are sufficient to (1) interfere with the biochemical processes of the Wastewater Treatment Plant, (2) that will pass through the plant into the receiving stream in amounts exceeding the standards set by Federal, interstate, state or other competent authority having jurisdiction, or (3) contaminate sewage sludge. Any waters or wastes containing iron or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established from time to time by the Utility Service Board, or wastes exerting an excessive chlorine requirement, but in no event shall the limits exceed those set forth in General Pretreatment Regulations (40 CFR, Part 403) for Existing and New Sources of Pollution published June 1978, and Effluent Guidelines and Standards pursuant to this document, or exceed the limits and restrictions set forth in the City of

Frankfort NPDES Permit No. IN-0022934 and amendments and revisions incorporated herein by reference.

- 701.27 Any unusual volume of flow or concentration of wastes constituting “slugs” that for a duration of five (5) minutes or more have a concentration or flow of more than five (5) times the average concentration of the BOD, the suspended solids or flow of the customer’s sewage discharged during a twenty-four (24) hour period of normal operation.
- 701.28 Any waters or wastes containing suspended solids or dissolved solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Wastewater Treatment Plant, its pumping stations or other facilities.
- 701.29 Any substance which may cause the POTW’s effluent or any other product of the POTW such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act or State criteria applicable to the sludge management method being used.
- 701.29.1 Any pollutant, including oxygen demanding pollutants (such as biochemical oxygen demand), released in a discharge at a flow rate or pollutant concentration which will cause interference.**
- 701.30 Federal Categorical Pretreatment Standards. The National Categorical Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this ordinance. Upon the promulgation of the Federal Categorical Pretreatment Standards for a Particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12.
- 701.31 Modification of Federal Categorical Pretreatment Standards. Where the POTW achieves consistent removal of pollutants limited by Federal pretreatment Standards, the POTW may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards.

“Consistent Removal” shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system (95 percent of the samples taken) when measured according to the procedures set forth in Section 403.7 (c) (2) (Title 40 of the Code of Federal Regulations, Part 403) - “General Pretreatment Regulations for Existing and New Sources of Pollution”. The POTW may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

- 701.32 POTW Right of Revision. The POTW reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 701 of this Ordinance.
- 701.33 Excessive Discharge. 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 the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or State.
- 701.34 Accidental Discharges. Each non-residential User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user’s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. No User who commences contribution to the POTW after the effective date of Ordinance #PO-80-1 shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the POTW. Review and approval of such plans and operating procedures shall not relieve such User from the responsibility to modify the User’s facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- 701.35 Written Notice. Within fifteen (15) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures 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, fish kills or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by this article or other applicable law.
- 701.36 Notice to Employees. A notice shall be permanently posted on any non-residential User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.
- 701.37 State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.
702. Responsibility for Obstructing or Damaging Sewers. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expensed incurred by the Board in cleaning out, repairing, or rebuilding the sewer.
703. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the Board and any person whereby an industrial waste of unusual strength or character may be accepted by the Board for treatment whether with or without pretreatment, provided that such agreement does not violate National Categorical Pretreatment Standards for the specific category of Industrial user, provided that there is no impairment of the functioning of the Sewage Works by reason of the admission of such wastes and provided that no extra costs are incurred by the Board without recompense by the person.
704. All or certain industrial wastes shall be excluded when conditions are such that NPDES permit restrictions cannot be met.

705. Surcharges shall be imposed by the Board for any compatible pollutant discharged in excess of the limits set forth herein.
- 706. Penalties for incompatible pollutants shall be imposed by the Board for any incompatible pollutant discharged in excess of the limits set forth herein.**
707. No new connection shall be made unless there is flow capacity available in all down stream sewers, lift stations, force mains and the wastewater treatment plant including capacity for BOD and TSS.

SECTION 8. ADMISSIBLE INDUSTRIAL WASTES

801. Prior Approval for Certain Wastes. the admission into the public sewers for any water or wastes having: (a) a five day biochemical oxygen demand greater than 200 parts per million by weight; or (b) containing more than 250 parts per million by weight of suspended solids; or (c) containing any quantity or substances having the characteristics described in Section 701 of this Code; or (d) having an average daily flow greater than 25,000 gallons, shall be subject to the review and approval of the Superintendent. Where necessary in the opinion of the Superintendent, the owner shall provide at his expense such preliminary treatment as may be necessary to: (a) reduce the biochemical oxygen demand to 200 parts per million and suspended solids to 250 parts per million by weight; (b) reduce the objectionable characteristics or constituents to within maximum limits provided in Section 701 of this Ordinance; and (c) provide control or flow equalization of such wastes described in Section 701 so as to avoid any “slug” loads or excessive loads that may be harmful to the sewage works.
802. Pretreatment Facilities. When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Works or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers. Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against “slugs” that might interfere with or otherwise be incompatible with the sewage works. Where there is reason to believe that the use of equalization tanks or other facilities which have potential for dilution is resulting in dilution, the Superintendent may impose mass limitations on the User employing such tanks or other facilities.
803. Prior Approval of Pretreatment Facilities. Plans, specifications, and other pertinent information relating to proposed preliminary treatment and processing facilities shall be submitted to the Board through the Superintendent’s Office for examination and approval and no construction

of such facilities shall begin until the utility Service Board has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations of such facilities prove necessary to secure the results

desired. Plans, specifications and other pertinent information shall also be submitted to the Stream Pollution Control Board for approval in accordance with Stream pollution Control Board Resolution 330 IAC 3-1 through 3-3 (formerly No. SPC 15).

804. Operation of Pretreatment Facilities. When such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the Superintendent. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe. The User shall notify the Superintendent immediately of any slug loading as defined herein and in accordance with Sections 701.34 through 701.36.

805. Grease, Oil and Sand Interceptors. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts as set forth in 701.2, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for inspection, and kept clean at all times. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight and be capable of the maximum flow rate of the pipe installed therein.

SECTION 9. CONTROL OF ADMISSIBLE INDUSTRIAL WASTES

901.0 **Significant Industrial User Permits.** Any industrial user and any other user on demand of the Superintendent shall provide the Board with sufficient information to determine if that user be a significant industrial user, and shall be required to obtain a permit which describes the wastewater constituents and characteristics allowed and which sets forth the applicable surveillance schedule and the monitoring requirements the user shall be subject to in order to discharge into the POTW's sewerage system. A significant industrial user permit shall be valid for four (4) years unless process changes are made that, in the opinion of the Superintendent, alter the wastewater constituents and characteristics significantly. In the event of such a change, a new application shall be filed accordingly. A permit shall be renewed by new application at the end of four (4) years. The reapplication for renewal will be subject to normal application fees in force at reapplication. Nothing in a significant industrial user permit shall constitute an exception to the prohibitions and limitations on wastewater admissibility as set forth herein. Significant industrial users are subject to all applicable fees, rates and charges set forth in this ordinance.

In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location (if different from the address);
- (b) SIC number according to the Standard Industrial Classification manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including, but not limited to, those mentioned in Section 701 of this ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;

- (e) Average daily and 3-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by the size, location and elevation;

- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;

- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional Operations and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

- (i) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:
The following conditions shall apply to this schedule:
 - (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment Standards (such as hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and the like).
 - (2) No increment referred to in paragraph (1) immediately above, shall exceed 9 months.
 - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment

of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.

- (j) Each product produced by type, amount, process or processes and rate of production;
- (k) Type and amount of raw materials processed (average and maximum per day);
- (l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (m) Any other information required by 40 CFR Chapter I, Subchapter N, Part 403.12(b) to evaluate the permit application. The reporting requirements for POTW's and industrial users, found in 40 CFR Chapter I, Subchapter N, part 403.12(b) are hereby incorporated into this ordinance.

- (n) **The information for the permit application shall be signed by the authorized representative of the Industrial User and certified by a qualified professional as to whether standards are being met on a consistent basis and if not whether additional operation and maintenance and/or additional pretreatment is required for the Industrial meet the pretreatment Standards and certification shall read as follows:**

pretreatment

User to
Requirements. The

“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.”

persons who
responsible for

information submitted is, to the
belief, true, accurate, and complete.
there are significant penalties for submitting
information, including the possibility of fine and
imprisonment for knowing violations.”

best of my knowledge and
I am aware that
false

The POTW will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the POTW may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

901.1 Permit Modifications. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a national Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Contribution Permit as required by paragraph 901, the User shall apply for a Wastewater Contribution Permit. Within 180 days after the effective date of a Categorical pretreatment Standard, or 180 days after the final administrative decision made on a category, whichever is later, existing industrial users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW will be required to submit to the Control Authority a report containing the information listed in paragraph (b)(1)-(7) of 40 CFR 403.12(b). Upon promulgation of a Categorical Pretreatment Standard, the Control Authority (either U.S. EPA, State, or POTW) will provide the appropriate 12(b) form for distribution to the industrial users who are affected by the promulgated standard. The industrial users are then required to submit the completed report to the Control Authority. In addition, the User with an existing Wastewater Contribution Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 901.0.

901.2 Permit Conditions. Wastewater Discharge permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges and fees established by the USB. Permits may contain the following:

- (a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge of requirements for flow regulations and equalization.

- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports at least once every six months (in June and December), by all significant non-Categorical Industrial Users and SIU's;
- (h) Requirements for maintaining and retaining plant records relating to a wastewater discharge as specified by the USB for a period of at least three years, or longer in the case of unresolved litigation or when requested by the Approval Authority, and affording the USB access thereto;
- (i) Requirements for prior notification by all Industrial Users of the USB of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (j) Requirements for notification of slug discharges as per 701.24, and 701.31 through 701.33;
- (k) Other conditions as deemed appropriate by the USB to ensure compliance with this Ordinance;
- (l) The base line monitoring reports, 90-day compliance reports and periodic compliance reports shall be signed by the authorized representative of the Industrial User.

The terms and conditions of the permit may be subject to modification by the USB during the term of the permit as limitations or requirements as identified in Section 701 are modified or other just cause exists.

The User shall be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new

conditions in the permit shall include a reasonable time schedule for compliance.

901.3 Permit Transfer. Wastewater Discharge Permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises or a new or changed operation without the approval of the USB or designated agent.

901.4 Reporting Requirements for Permittee.

(a) Compliance Date Report. Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial user.

(b) Periodic Compliance Reports.

(1) Any User subject to a pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluents which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in paragraph 901(e).

At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles and the like, the Superintendent may agree to alter the months during which the above reports are to be submitted.

- (2) The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator.

Sampling shall be performed in accordance with the techniques approved by the Administrator.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

- (c) (1) **The industrial User shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities 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, patch or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial 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

mass of

expected to be

following twelve months.

commence discharging after the

rule shall provide the notification

discharge of the listed or characteristic

waste. Any notification under this

need to be submitted only once for each

waste discharged. However, notification of

changed discharges must be submitted under 40 CFR

403.12(j). The notification required in this section does

not apply to pollutants already reported under the self-

monitoring requirements of 40 CFR 403.12(b), (d), and (e).

calendar month and an estimation of the

constituents in the wastestream

discharged during the

Industrial users who

effective date of this

prior to the

hazardous

paragraph

hazardous

- (2) In the case of any new regulation under section 3001 of the RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the POTW, the EPA Regional Waste Management Waste Division Direct and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

- (3) In the case of any notification made under paragraph (c) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous waste generated to the degree it has determined to be economically practical.

degree it
practical.

901.5 Minor Contributor Permits. Permit issued to a User that is considered a minor contributor. The minor contributor shall submit the following information:

- (a) Name, Address and Location (if different from the address)
- (b) Wastewater Pollutants
- (c) Site plans and an outline for a spill control

The permit shall be valid for four (4) years unless process changes are made that could significantly alter the wastewater effluent. The permit will list possible pollutants that may be generated but shall not be limited to those listed.

901.6 Reporting: On the anniversary date of the permit the minor contributor shall report on his letterhead stationery to the POTW regarding the method for disposing of such minor contributor's wastes.

902. Significant Industrial User Permit Applications: Fees - Significant Industrial Users shall make application for the proposed discharge on a form provided by the Board or agent. The permit application shall be supplemented by any plans, specifications, studies or other information considered pertinent by the Superintendent, to evaluate compatibility with the sewerage system. It is the purpose of charges and fees to provide for the recovery of costs from Users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Board's Schedule of Charges and Fees.

The Board may adopt charges and fees which may include:

- (a) fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;

- (d) fees for permit applications;
- (e) fees for filing appeals;
- (f) fees for consistent removal (by the POTW) of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) 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 chargeable by the Board.

902.1 Fees. Permit fees for Significant Industrial Users shall be as follows:

	<u>Permit Fee</u>
Initial SIU Contributor Permit	
Industries connected to sewerage works prior to the effective date of Ordinance #PO-80-1.	\$100.00
Industries connected to sewerage works on or after the effective date of Ordinance #PO-80-1 and all reapplication permits	\$1,000.00

902.2 Fees: A fee of Twenty-five Dollars (\$25.00) will be paid for each minor contributor permit.

902.3 Penalty Fee For Incompatible Pollutants.

- (a) A penalty shall be charged any contributor who discharges incompatible pollutants into the sewerage system. Such penalty shall be determined by the pounds of such material contributed to the sewerage system over the permit or ordinance limits, whichever is most restrictive.

legal (b) **The levying and paying of a penalty shall not abrogate the requirements as described in 40CFR or Section 10 and Section 11 of this Ordinance, as they may be amended.**

- (c) The penalty fee per pound of excess material shall be 100 times the fees in effect for 100 cubic feet of sewage.
- (d) The penalty fee for exceeding the permit limits for two consecutive quarters shall be twice the regular penalty fee for the particular quarter.
- (e) The penalty for exceeding the permit limits for three consecutive quarters shall be four times the regular penalty for the particular quarter.
- (f) The regular penalty fee shall be calculated as follows:

$$\frac{\text{Parts over limit}}{\text{Mill.}} \times \text{Million gal. per Quarter} \times \frac{100\#}{12 \text{ Gal.}} \times \frac{\$173}{\#} = \text{Regular Penalty}$$

- (g) The quarters for which such penalty fee will be calculated are the calendar quarters ending March 31, June 30, September 30, and December 31, respectively.

903. Surveillance of Significant Industrial Users. To establish a feasible surveillance schedule, the following classes of significant industrial users are formed:

<u>Class</u>	<u>Qualifications</u>	<u>Minimum Surveillance Schedule</u>
A	Average flow of one hundred thousand (100,000) gallons or greater per day (0.1 MGD).	Monthly
B	Average flow from 0.025 MGD to 0.099,999 MGD per day or discharge with constituents or characteristics that result in a major contributor classification.	Quarterly

The surveillance period will normally be for a period of five (5) consecutive days, but can be of longer or shorter duration at the discretion of the Superintendent. In cases where the surveillance period extends for a greater number of consecutive days than five (5),

the POTW shall have the prerogative of selecting five (5) consecutive days of its choice for establishing rates and charges.

903.1 Surveillance Survey Charge: The minimum charge for each surveillance survey shall be \$200.00, per day, with a maximum charge for Five (5) days of \$1,000.00. Surveillance Survey Charges are to be adjusted annually if deemed necessary by the Superintendent.

904. Monitoring of Significant Industrial Users: A significant industrial user shall install at its own expense (a) a suitable control manhole (vault), together with such necessary appurtenances in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater, and (b) such sampling devices as may be reasonably necessary, unless otherwise instructed by the Superintendent. A user may be required by the Superintendent to install such manholes (vaults) to verify his status either as a major contributor or otherwise. Such manholes (vaults) and sampling and testing devices shall be provided and maintained to the Superintendent's satisfaction at the expense of the user, but shall be under the control of the POTW. The POTW shall provide monitoring equipment during a surveillance period. Monitoring equipment shall, unless otherwise specified by the POTW, include a device for automatically measuring and recording flow and a device for automatically taking a composite sample By-Flow or time of wastewater during a twenty-four hour period.

905. Laboratory Procedures: Procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods" that meet federal requirements as set forth in 40 CFR Part 136. However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the user provided that they meet federal requirements as set forth in 40 CFR 136. The POTW shall charge to the user the cost of the standard initial analyses of the user's wastes as well as other non-standard tests as required by the user's specific process waste loading. Regular periodic check analysis and analysis made by the Superintendent at the request of the user shall be charged to the user according to the standard work order billing practice. All such analyses shall be binding in determining strength of wastes surcharges and other matter dependent upon the character and concentration of wastes.

906. Use of Representative Analysis. Until an adequate analysis of a representative sample of User's wastes has been obtained, the POTW

shall, for the purpose of this Ordinance, make a determination of the character and concentration of the User's wastes by using data based on analysis of similar processes or data for his type of Protection Agency or from industry-recognized authoritative sources. This method, if selected

by the POTW, shall continue at the POTW's pleasure or until an adequate analysis has been made.

907. Audit and Review: All data collected pertaining to industrial wastes including records kept by each industrial user shall be subject to audit and review or copying by the Approval Authority (Environmental Protection Agency) or control authority of the State upon request. The USB shall annually publish in the daily newspaper which has the largest circulation in the municipality where the POTW is located, a list of the Users which were in significant non-compliance with any one of the Pretreatment Requirements of Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

908. Confidential Information. Information and data obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the USB that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User. When requested by the person furnishing a report, 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 to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the USB as confidential, shall not be transmitted to any governmental agency or to the general public by the USB until and unless a ten-day notification is given to the User.

909. Waste Haulers: A person who is a licensed commercial or industrial waste hauler may discharge compatible pollutants to the wastewater treatment plant at a time and place and in such amounts as permitted by

the Superintendent. Wastewater so received must have been generated from within Clinton County.

Application to the Superintendent and approval must be secured prior to any actual dumping along with payment of dump fees as follows:

- | | | |
|----|----------------------------------|-----------------------------|
| A. | Septic Tank (Residential) | \$25.00/1000 gallons |
| B. | Industrial and/or Commercial | \$500.00/1000 gallons |

A listing of all wastes and source information must be submitted with each application on a form provided by the WWTP.

910. Industrial Pretreatment Residues: Sludge from an industrial or commercial pretreatment system shall not be placed into the sewage works. Such sludge shall be disposed of by a licensed hauler in a site approved by the Indiana Department of Environmental Management (IDEM), in accordance with requirements of Section 402(b) and 405 of the Act and Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act.

SECTION 10. FAILURE TO COMPLY WITH TERMS OF THIS ORDINANCE

1001. Suspension Order: The USB may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the USB, in order to stop an actual or threatened discharge which presents or may present an endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW or causes a violation of any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the USB shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The USB shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the USB within 15 days of the date of occurrence.

1001.1 Revocation of Permit. Any User who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 1006 of this Ordinance:

- (a) Failure of a User to accurately report the wastewater constituents and characteristics of his discharge as described in Section 1106;
- (b) Failure of the User to report significant changes in operations or in wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of conditions of the permit.

- 1001.2 Notification of Violation. Whenever the USB finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation or requirements contained herein, the USB may serve upon such person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted by the User.
- 1001.3 The Board shall have the following methods of recourse in event of repeated or willful failure by a User to meet the wastewater admissibility requirements of this Ordinance:
- 1001.4 When the Board finds that a discharge of wastewater has been taking place in violation of the admissibility requirements prescribed in Section 7 and 8 of this Ordinance, the Board may require the User to submit for approval a detailed time schedule of specific actions which the User shall take in order to prevent or correct a violation of requirements.
- 1001.5 When the Board finds that a discharge of wastewater has taken place in violation of the admissibility requirements of Section 7 and 8 of this Ordinance, the Superintendent may issue an order to cease and desist, and direct those persons not complying with such prohibitions, limits, requirements or provisions to:
- A. Comply forthwith,
 - B. Comply in accordance with a time schedule set forth by the Board,
 - C. Take appropriate remedial or preventative action in the event of a threatened or actual violation.
- 1001.6 When the Board finds that a discharge of wastewater is in violation of the admissibility requirements of Section 7 and 8 of this Ordinance or otherwise causes or threatens to cause a condition of pollution or nuisance, the Board may petition a court of competent jurisdiction for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such a discharge.
- 1001.7 When the Board finds that a non-discharge violation of a pretreatment standard or requirement exists, the Board may petition a court of competent jurisdiction for the issuance of a preliminary or permanent injunction, or both, as may be appropriate in restraining the continuance of such a violation.

- 1001.8 The Board may terminate or cause to be terminated wastewater service and/or permit if a violation of any provision of this ordinance is found to exist or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this ordinance or causes the POTW to violate the terms of its NPDES Permit IN-0022934. This provision is in addition to other statutes, rules, or regulations authorizing termination of service for delinquency in payment.
- 1001.9 Any User affected by any decision, action or determination, including cease and desist orders, made by the Superintendent, interpreting or implementing the provisions of this Ordinance, or any permit issued hereunder, may file with the Superintendent a written request for reconsideration within ten (10) days of such a decision, action, or determination, setting forth in detail the facts supporting the User's request for reconsideration. If the ruling made by the Superintendent is unsatisfactory to the person requesting reconsideration, he may, within ten (10) days from the notification to him by the Superintendent, of such ruling, file a written appeal to the Utility Service Board. The written appeal shall be heard by the Board within thirty (30) days from the date of filing. The Utility Service Board shall make a final ruling on the appeal within fifteen (15) days of the close of the meeting. The Superintendent's decision, action, or determination shall remain in effect during such period for reconsideration.

SECTION 11. ABATEMENT

- 1101. Public Nuisance. Discharge of wastewater in any manner in violation of this Ordinance or of any order issued by the Superintendent as authorized by this Ordinance is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person violating this ordinance by creating a public nuisance shall be subject to the penalty provisions of this Ordinance found at Section 205, and the Board may seek injunctive relief from a court of competent jurisdiction, and payment of damages as provided at Section 1102.**
1102. Damage to Facilities. When a discharge of wastes causes an obstruction, damage, or any other impairment to the Wastewater Treatment Plant facilities, the Board shall assess a charge against the User for the work required to clean or repair the facility and add such charge to the User's charges and fees. Failure to compensate the Board shall result in termination of service.
- 1103. Criminal Penalties. Any person who knowingly or intentionally discharges any hazardous waste to the POTW shall be subject to prosecution under Indiana Code 13-30-6-3 as a Class D felony and shall be subject to daily fines provided therein.**
1104. General Penalties; Continuing Violations. Any "person" or "persons" being found guilty of any act prohibited by this Ordinance shall be subject to such punishment as set forth in Section I-7 of the Code of the City of Frankfort, Indiana. Such sanctions shall be imposed by a duly constituted court with authority to hear such violations in the State of Indiana.
- 1105. Falsifying of Information. Any "person" who knowingly makes any false statement, representation, record, report, plan or other document filed with the USB or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under these regulations violates this ordinance, and in addition may be subject to prosecution as a Class B misdemeanor pursuant to Indiana Code 13-30-6-2.**

1106. Records Retention. All Users subject to this Ordinance shall retain and preserve for no less than five (5) years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof, relating to monitoring, sampling and chemical analysis made by or on behalf of a User in connection with its

discharge. All records which pertain to matters which are the subject of Administrative Adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the User until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

The POTW shall retain and preserve all permit files, records, and enforcement activity records for no less than five (5) years.

1107. Operating Upsets. Any User which experiences an upset in operations which places the User in a temporary state of non-compliance with this Ordinance or a Wastewater Discharge Permit issued pursuant hereto shall inform the Superintendent within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the User with the POTW within five days. The report shall specify:

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

SECTION 12. ACCESS TO PRIVATE PROPERTY

- 1201.** **The Superintendent and/or other duly authorized employees of the Sewage Works bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. Entry may be made at any time deemed necessary by the Superintendent.**
1202. While performing the necessary work on private properties referred to in paragraph 1201 above, the Superintendent or duly authorized employees of the Utility shall observe all safety rules applicable to the premises established by the company and the Board shall indemnify the company against loss or damage to its property by Utility employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the company to maintain safe conditions.
- 1203.** **The Superintendent and/or other duly authorized employees of the Sewage Works bearing proper credentials and identification shall be permitted to enter all private properties of User which discharges to the POTW for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works.**

SECTION 13. RATES and CHARGES

1301 Books and Records: The City shall keep and maintain proper books and records relative to the revenue and expenses of the sewage works and shall maintain in its files all reports relative to strength and character of sewage. All such records shall be made available for inspection by representatives of the Environmental Protection Agency at all reasonable times.

The City shall report to the EPA information as requested by the Agency in the form the Agency shall prescribe.

1302 Effective Date: The rates and charges herein set forth shall be extended to and cover any additional premises hereafter served, without the necessity of any notice or hearing.

1303 User Classifications: At the time of the adoption of this chapter, the City has classified the users according to EPA guidelines. The City shall annually perform tests to determine that each user class is producing its proportionate share of the total annual revenues required to operate the sewage system. User classes are as follows.

- (A) Residential: Includes all single family dwellings.
- (B) Commercial: Includes all multi-family dwellings, transient lodging, retail and wholesale establishments or places engaged in selling merchandise for personal, household or industrial consumption, or rendering services to others.
- (C) Institutional: Includes social, charitable, religious, and educational activities such as schools, churches, hospitals, nursing homes, penal institutions, and similar institutional users.
- (D) Governmental: Includes legislative, judicial, administrative, and regulatory activities of federal, state, and local governments, such as courthouses, police and fire stations, city halls and similar government users.

- (E) Industrial: Includes all manufacturing activities involving the mechanical or chemical transformation of materials and substances into other products. These activities occur in establishments usually described as plants, factories, or mills and

characteristically use power driven machines and material handling equipment.

1304 Rates Based On Sewage Volume: For the use of the services rendered by the sewage works, rates and charges shall be collected from the owner of each and every lot, parcel of real estate, or building that is connected with the city's sanitary sewage system or otherwise discharges sanitary sewage, industrial waste, water, or other liquids either directly or indirectly, into the sanitary sewage system of the city, which rates and charges shall be payable as herein provided and shall be in an amount determined as follows. The sewage rates and charges shall be based on the volume of sewage discharged into the sanitary sewage system of the city, from the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, except as otherwise provided in this chapter.

1305 Monthly Charges: Monthly charges are as follows.

- | | | |
|-----|--|---------|
| (A) | Per customer charge to cover customer costs | \$ 2.68 |
| (B) | Per customer charge to cover debt service (local capital costs) | \$ 1.31 |
| (C) | User charge per 100 cubic feet for operation, maintenance, and replacement | \$ 1.27 |
| (D) | User charge per 100 cubic feet for debt service | \$ 0.46 |

1306 Determination of User and Debt Service Charges.

- (A) The user charge and debt service charge shall be reevaluated as soon after the close of the calendar year as practical, and shall be adjusted in accordance with the following formula.

$$CU = \frac{\text{Annual Revenues Required for Operation, Maintenance, and Replacement}}{\text{(exclusive of customer costs)}}$$

Annual Flow in Hundred Cubic Feet

- (B) The charge for debt service will in like manner be re-evaluated in accordance with the following formula.

$$CD = \frac{\text{Annual Revenues Required for Debt Service}}{\text{Annual Flow in Hundred Cubic Feet}}$$

1307 Minimum Charges Based on Water Meter Size. Where water meters are larger than 5/8 and 3/4 inch are installed, the following minimum charges shall apply.

<u>Size of Water Meter</u>	<u>Minimum Charge Per Month</u>		
	<u>For Debt Service</u>	<u>For O&M</u>	<u>Total</u>
1 inch meter	\$ 5.92	\$ 12.08	\$18.00
1-1/4 inch meter	8.52	18.48	27.00
1-1/2 inch meter	10.46	23.29	33.75
2 inch meter	13.71	31.29	45.00
3 inch meter	20.19	47.31	67.50
4 inch meter	33.17	79.33	112.50
6 inch meter	49.38	119.37	168.75

The minimum charge for any service where the user is not a metered water consumer shall be based on the size of the service connection, but no such charge shall be less than the corresponding minimum monthly water connection charge as herein set forth. In all cases where the user is not a metered water consumer, the City shall have the right at all times to estimate the usage and to bill the user in accordance with such estimated usage, but the monthly charge shall be not less than \$30.00.

1308. Multiple Users on Single Meter:

- (A) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water, or other liquids into the City’s sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used will be averaged for each user and 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) In the event two or more dwelling units, such as trailers, apartments, or housekeeping rooms, discharging sanitary sewage, water, or other wastes into the city's sanitary system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such event, billing shall be for a single service, to which shall be added a charge of \$.87 per month, for each dwelling in excess of one.

1309.

Lawn Sprinkling:

- (A) In order that domestic and residential users of sewage services shall not be penalized for the sprinkling of lawns during the months of June, July, August, and September, the billing for sewage service for residences or domestic users for the months of June, July, August, and September shall be based on the average of the water usage billed for the previous months of January, February, March, and April.

In the event the water usage for the previous months of January, February, March, and April is greater than the water usage for the months of June, July, August, and September, then the billing for sewage service shall be computed on the actual water used in the month for which the sewage service bill is being rendered.

- (1) In case of an emergency drought situation during the month of May, an adjustment will be made on sewage rates for those residents of the city whose water meter readings show excessive water usage and are on sprinkling rates from the previous year. Said adjustment shall be computed as set forth above.

(2) The decision concerning an emergency drought situation will be made by the Utility Service Board prior to June 1.

- (B) **Domestic or residential sewage service, as applicable to the sprinkling rate, shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The sprinkling rate shall not apply to any premises which are partially or wholly used for industrial or commercial purposes.**

- (C) **In the event a portion of the premises is used for commercial or industrial purposes and a portion for residential use, the owner may separate the water service so that the residential portion**

of the premises is served through a separate meter, and in that case, the water usage as registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.

1310. Surcharge Based on Strength and Character of Waste:

- (A) In order that the rates and charges may be justly and equitably adjusted to the service rendered, the city shall impose in addition to the charge based on volume a surcharge based on the strength and character of the sewage and waste which it is required to treat and dispose of. The city shall have the right to measure and determine or cause to be measured and determined, the strength and content of all sewage and waste discharged either directly or indirectly into the city's sanitary sewage system in such manner and by such methods as may be deemed practical in considering the conditions and attending circumstances in order to determine the proper charge.
- (B) Any and all commercial and industrial installations having an effluent discharge into the city's sewers with an average BOD exceeding 200 parts per million concentration and/or an average daily suspended solids exceeding 250 parts-per million concentration shall be deemed to be discharging sewage of such strength as to require a surcharge for the treatment and disposal thereof.
- (C) The city is authorized to prohibit the dumping of waste into the city's sewage system which, in the city's discretion is deemed harmful to the operation of the sewage treatment works of the city and is further authorized to require methods of pre-treatment of the waste to reduce the harmful characteristics of the water prior to discharge thereof into the city's system.
- (D) The surcharges to be imposed by the city for the treatment of such waste shall be based upon the following formula:

Surcharge = $(B_o (BOD_5 - b_a) + (S_o(SS - S_a) \times (8.34 \times V))$. For the purposes of this formula, the following definitions shall apply.

- (1) B_o = Average unit cost of treatment, chargeable to BOD, dollars per pound.
 - (2) BOD_5 = The concentration of BOD5 in the wastewater from a specific user, parts per million.
 - (3) B_a = Maximum concentration of BOD5 in parts per million which can be discharged into the city's collection system without a surcharge - 200 parts per million.
 - (4) S_o = Average cost of treatment (including sludge treatment) chargeable to suspended solids, dollars per pound.
 - (5) SS = The concentration of suspended solids in the wastewater from a specific user.
 - (6) S_a = Maximum concentration of suspended solids on parts per million which can be discharged into the city's collection system without a surcharge - 250 parts per million.
 - (7) V = Volume in million gallons
- (E) The city shall for the purpose of computing the surcharge periodically determine the average cost of treatment chargeable to BOD in terms of dollars per pound (B_o) and the average unit cost of treatment including sludge treatment chargeable to suspended solids in terms of dollars per pound (S_o). At this time, the average cost of treatment of BOD has been determined to be \$0.17, per pound and suspended solids, \$0.16 per pound. The surcharges herein imposed shall be reviewed annually after the effective date of this chapter and the required adjustments made to maintain the equity of charges to various classes of users.

1311. Billing and Collection. The rates and charges shall be prepared and billed the city, and shall be collected in the manner provided by law and ordinance. The rates and charges will be billed to the tenant or tenants occupying the property served, unless otherwise requested in writing by the owners, but the billing shall in no way relieve the owner from liability in the event payment is not made as herein required. The owners of the property served, which are occupied by tenants, shall have the right to

examine the collection records of the city for the purpose of determining whether the rates and charges have been paid by the tenants, provided that the examination shall be made in the office in which the records are kept and during the hours that the office is open for business.

1312. Fees for Returned Checks: When any check, draft, or money order given by or for a customer to any of the city's utilities or its Frankfort Municipal Utility Office in payment for utility service or other charge is returned to the utility or the office by the drawer's bank because of the drawer's insufficient funds in such bank account or because such drawer has no such open account at such bank, then the customer shall be charged an additional \$25.00 service fee for each time the check is so returned by the bank.

SECTION 14. VALIDITY

1401. Ordinance #PO-80-1, as heretofore amended, is hereby further amended and the entire working thereof replaced by the Ordinance, which shall be considered as an amendment to the Municipal Code of The City of Frankfort, Indiana, 1975. All other ordinances or parts of ordinances in conflict herewith are hereby repealed. If any amendments to Ordinance #PO80-1 are inadvertently omitted from this ordinance, they are not repealed hereby, and upon discovery of any such omission, this ordinance shall be revised to include such previously-enacted amendments. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

SECTION 15. EFFECTIVE DATE

1501. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

SECTION 16. ANNUAL ORDINANCE REVIEW

1601. This Ordinance shall be reviewed annually by the Superintendent or his designated representative, to insure compliance with current state and federal regulations, and as necessary recommend to the Utility Service Board actions to upgrade this Ordinance.

Adopted this _____ day of _____, 1998.

President of the Common Council, City of
Frankfort, Indiana

Attest:

City Clerk-Treasurer

Presented by me to the Mayor of the City of Frankfort, Indiana for approval and signature,
this _____ day of _____, 1998, at _____ .m.

City Clerk-Treasurer

Approved and signed by me, this _____ day of _____,
1998, at _____ .m.

Mayor, City of Frankfort, Indiana

