

CHAPTER 50: SEWAGE SERVICE AND REGULATIONS

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## GENERAL PROVISIONS

### § 50.01 DEFINITIONS.

#### 1.1 Purpose and Policy

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

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### 1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the

Superintendent may be delegated by the Superintendent to other City personnel.

### 1.3 Abbreviations

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

- BOD<sub>5</sub> - Biochemical Oxygen Demand - Five Day
- CFR - Code of Federal Regulations
- COD<sub>5</sub> - Chemical Oxygen Demand - Five Day
- EPA - U.S. Environmental Protection Agency - Washington D.C.
- EPA Reg. V- U.S. Environmental Protection Agency, Region V - Chicago, Illinois
- FOG - Fats, Oil and Grease
- gpd - gallons per day
- IC - Indiana Code
- IDEM - Indiana Department of Environmental Management
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O & G - Oil and Grease
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code

### 1.4 Definitions

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

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

B. Approval Authority. The Regional Administration of U.S. EPA Region V.

C. Authorized Representative of the User.

(1) If the user is a corporation:

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

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

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

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

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

“AVERAGE MONTHLY DISCHARGE LIMITATION.” The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

“AVERAGE WEEKLY DISCHARGE LIMITATION.” The highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges, measured during a calendar week divided by the number of daily discharges measured during that week.

“BENEFICIAL USERS.” These 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.

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

E. Board. The City of Decatur Board of Public Works and Safety, or any other duly authorized officials acting on its behalf.

“BUILDING.” Any structure having a roof supported by columns or walls, for the shelter, support, enclosure, or protection of persons, animals, chattels, or other property. When separated by a party wall, without opening through such wall, each portion of such a building shall be considered a separate building.

“BUILDING DRAIN.” The lowest horizontal piping of a building drainage system which receives the discharge from soil pipes, waste pipes, and other drainage pipes inside a building and conveys it to a point outside of the building.

“BUILDING DRAIN, SANITARY.” A building drain which conveys sanitary or industrial sewage only.

“BUILDING DRAIN, STORM.” A building drain which conveys storm water or other clean water drainage, but no wastewater.

“BUILDING (OR HOUSE) LATERAL SEWER.” The extension from the building drain to the sewerage system or other place of disposal.

“BUILDING SEWER, STORM.” A building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

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

“CFR.” Code of Federal Regulations.

“CHEMICAL OXYGEN DEMAND” or “COD” (of sewage, sewage effluent, polluted waters or industrial wastes). 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.

G. City. The City of Decatur, under the jurisdiction of the Decatur Board of Public Works and Safety.

“COMBINED SEWER.” A sewer which carries storm, surface, or ground water runoff in addition to sewage.

“COMPATIBLE POLLUTANTS.” Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants if the treatment works was designed to treat these pollutants, and in fact does remove these pollutants to a substantial degree. The term “SUBSTANTIAL DEGREE” is not subject to precise definition, but generally contemplates removals in the order of 80% or greater. Minor incidental removals in the order of 10% to 30% are not considered substantial.

Examples of the additional pollutants which may be compatible include the following (except as prohibited where these materials would interfere with the operation of the treatment works).

- (1) Chemical oxygen demand.
- (2) Total organic carbon.
- (3) Phosphorous and phosphorous compounds.
- (4) Nitrogen and nitrogen compounds.
- (5) Fats, oils, and greases of animal or vegetable origin.

H. Composite Sampling. Method of sampling which weights sample volume with discharge flow rate.

“CONSTITUENTS AND CHARACTERISTICS.” The chemical, physical, bacteriological, and radiological properties, including volume, flow rate, and such other properties which serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

I. Control Authority. Board of Public Works and Safety, the City of Decatur, Indiana.

J. Council. The Common Council of the City of Decatur, Indiana.

“DAILY DISCHARGE.” Discharge of the pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.

“DEPARTMENT.” The city wastewater treatment plant, including the sewer collection system.

“DOMESTIC SEWAGE.” Wastewater from typical residential users and having pollutant characteristics of not greater than 230 mg/1BOD and 250 mg/1 suspended solids.

“EASEMENT.” An acquired legal right of the specific use of land owned by others.

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

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

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

“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.

“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.

“GARBAGE.” Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage, or sale of produce.

M. Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

“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 their determination in accordance with Standard Methods.

“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.

“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. These substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes, and storage depot wastes.

“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 ½ inch in dimension.

“HOLDING TANK WASTE.” Any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks, and the like.

“INCOMPATIBLE POLLUTANT.” Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.

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

“INDUSTRIAL WASTES.” Any solid, liquid, or gaseous substance or form of energy discharged, or 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.

“INDUSTRIAL WASTE PERMIT.” A permit to deposit or discharge industrial waste into any sanitary sewer as issued by the POTW.

“INFILTRATION/INFLOW.” The total quantity of water from both infiltration and inflow without distinguishing the source.

“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 waste waters or drainage. “INFLOW” does not include, and is distinguished from infiltration.

“INFLUENT.” The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.

“INSPECTOR.” A person authorized by the city.

- O. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- P. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

“LATERAL SEWER.” The extension from the building drain to the sewerage system or other place of disposal.

“MAXIMUM DAILY DISCHARGE LIMITATIONS.” Highest allowable daily discharge.

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

“Mg.” Milligrams.

“mg/l.” Milligrams per liter.

“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 (SIC No.) of industrial users and specifies quantities or concentrations of pollutants which may be discharged.

“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.

R. New Source.

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
  - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous on-site construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

“NORMAL DOMESTIC SEWAGE.” Sewage such as discharged by residential users with a

BOD5 concentration not in excess of 230 mg/1 and a suspended solids concentration not in excess of 250 mg/1.

“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 95-217.

“NUISANCE.” Anything which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

- T. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (IN0039314), including an increase in the magnitude or duration of a violation.
- U. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- V. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- W. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, COD<sub>5</sub>, toxicity, or odor).

“POLLUTION.” An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects these waters for beneficial uses or facilities which serve the beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

“PREMISES.” A parcel of real estate including any single improvement thereon which is determined by the city to be a single user for purposes of receiving, using and payment for service. Any additional improvement on the same parcel of real estate which is determined by the city to be a user shall be separately connected to the sewerage for the purpose of receiving, using, and payment for service.

- X. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- Y. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- Z. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge

standards, categorical pretreatment standards, and local limits.

- AA. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.

“PROPER OPERATION AND MAINTENANCE.” Procedures executed in a prudent, cost-effective, and workmanlike manner which achieve the highest or required effluent quality of industrial discharge attainable in conformance with the best available technology and practices.

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

“RECEIVING SEWER SYSTEM” The Decatur Municipal Sewer System.

“RECEIVING STREAM.” The watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.

“SANITARY SEWAGE.” The waste from water closets, urinals, lavatories, 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.

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

- DD. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

“SEWAGE WORKS.” Sewers, wastewater treatment plant, sewerage system, and any associated structures or equipment. Also known as “POTW.”

“SEWER.” A pipe or conduit laid for carrying wastewater or other liquids.

“SEWER, COMBINED.” A sewer in which all owners of abutting property have equal rights and which is controlled by public authority, including the following elements.

“SEWER, PUBLIC.” A sewer whose primary purpose is to collect waste waters from individual point source discharges.

“COLLECTION SEWER.” A sewer whose primary purpose is to collect waste waters from individual point source discharges.

“FORCE MAIN.” A pipe in which wastewater is carried under pressure.

“INTERCEPTOR SEWER.” A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

“PUMPING STATION.” A station positioned in the public sewerage system at which wastewater is pumped to higher level.

“SEWER, SANITARY.” A sewer which carries wastewater and to which storm, surface, and ground waters and unpolluted industrial wastewater are not intentionally admitted.

“SEWER, STORM.” A sewer which carries storm, surface, and ground water drainage but excludes wastewater.

“SEWERAGE SYSTEM.” The network of publicly owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to the wastewater treatment plant.

“SHREDDED GARBAGE.” See “GROUND (SHREDDED) GARBAGE.”

EE. Significant Industrial User.

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
  - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the Board on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Board may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

“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 401, 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.

FF. Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance.

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

“STANDARD METHODS.” 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.

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

II. Superintendent. The person designated by the City of Decatur Board of Public Works and Safety who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

“SUPERVISOR, SEWER MAINTENANCE.” Administrative head of sewer maintenance.

“SURCHARGE.” A charge for services in addition to the basic service charge.

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

“TOTAL SOLIDS.” The sum of suspended and dissolved solids.

“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 the Clean Water Act (PL 94-217).

“TOXICANT.” A substance that is known or suspected carcinogens, mutagens, or teratogens and substances present in industrial discharges with known toxic effects on human and aquatic life which is among the list of elements and compounds known as priority pollutants developed under the Clean Water Act.

“TOXIC POLLUTANT.” Those substances referred to in Section 307(a) of the Act as well as any other known potential substances capable of producing toxic effects.

“TSS.” Total Suspended Solids.

“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.

“UPSET.” An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this chapter 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.

“USER.” A person that discharges, causes, or permits the discharge of wastewater into the

sewerage system.

KK. User or Industrial User. A source of indirect discharge.

(2) The “NONINDUSTRIAL CLASS” shall include all users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes or wastes from sanitary conveniences are those wastes generated by normal domestic activity.

“VOLATILE ORGANIC MATTER.” The material in the sewage solids transformed to gases or vapors when heated at 550 degrees C. for 15 to 20 minutes.

“WASTE.” Includes sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with 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.

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

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

“ WATERCOURSE.” A channel in which a flow of water occurs, either continuously or intermittently.

“WATERS OF THE STATE.” Any water, surface or underground, within the boundaries of the state, except confined waters in sewers, tanks, and the like.

“WWTP.” Wastewater Treatment Plant (after WPCF).  
(Ord. 1998-3, passed 3-3-98)

## § 50.02 BYLAWS AND REGULATIONS OF BOARD OF PUBLIC WORKS AND SAFETY.

The Board of Public works and Safety may adopt and enforce such reasonable regulations not in conflict herewith as it may be deemed necessary for the safe, economical, and efficient management of the city’s sewerage system and wastewater treatment plant and for the construction and use of building (or house) lateral sewers and connections to the sewerage system, which regulations may include limitations of or prohibition of, introduction of, or infiltration by storm water, surface water, and ground water into the sewerage system. (Ord. 1983-1, passed 2-15-83)

§ 50.03 DAMAGING SEWER WORKS PROPERTY.

A person shall not maliciously, willfully, or recklessly break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the city sewerage system. (Ord. 1983-1, passed 2-15-83) Penalty, see § 50.99

§ 50.04 PRIVIES, SEPTIC TANKS, AND CESSPOOLS.

Except as otherwise provided by the Board of Public Works and Safety, the city, or the state or any of its agencies, a person shall not construct or maintain a privy, septic tank, cesspool, or other facility intended or used for the disposal of wastewater; except that existing septic tank system and fields may be repaired and maintained in accord with applicable laws and ordinances. (Ord. 1983-1, passed 2-15-83) Penalty, see § 50.99

§ 50.05 WHEN CONNECTION TO SEWERAGE SYSTEM IS REQUIRED.

Any person owning or occupying a house or other building for residential, commercial, institutional, governmental, or industrial use, located on any property situated within the city and abutting on any street, alley, or easement in which there is now located or may in the future be located a public sewer or combined sewer of the city, is required at his expense to install suitable wastewater facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this or any other ordinance, within 90 days after date of official notice to do so, provided that the public sewer is within 150 feet of the property line. Said persons shall not discharge sewage elsewhere than into the sewage system. Nothing in this section shall be construed to require the connection of any such structure to a sewer if wastewater is not generated in such structure. (Ord. 1983-1, passed 2-15-83) Penalty, see § 50.99

§ 50.06 CONSTRUCTION OF BUILDING SEWERS.

The size, shape, alignment, materials or construction of a building (or house) lateral sewer and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city.

(A) Determining major contributors. Each commercial and industrial user shall supply the city with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a major contributor.

(B) Separate sewer requirements. A separate and independent building (or house) lateral sewer shall be provided for every building (or house); except where one building (or house) stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building (or house) through an adjoining alley, court, yard, or driveway. In such cases, the building (or house) lateral sewer from the front building (or house) may be extended to the rear building (or house) and the whole considered as one building (or house) lateral sewer. Nothing in this division (B) shall be construed to apply to lateral sewer connections between different facilities of an industrial user located on contiguous properties.

(C) Use of old building (or house) lateral sewer for a new building (or house). Old building (or house) lateral sewers may be used in connection with new buildings (or houses) only when they are determined, upon examination and test by the inspector, to meet all requirements of this subchapter.

(D) Connection of downspouts, drains, etc. No person shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, or other sources of surface, runoff, or groundwater, to a building (or house) lateral sewer or building (or house) drain which is in turn connected directly or indirectly to the sewerage system.

(E) Inspection; supervision of connection. The applicant for the building (or house) lateral sewer permit shall notify the Board or its designated representative when a building (or house) lateral sewer is ready for inspection and connection to the sewerage system. The connection shall be made under the supervision of the inspector or his representative using materials and techniques conforming to the requirements of the Board. The applicant shall give notice before the burial or covering of the lateral sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved. (Ord. 1983-1, passed 2-15-83) Penalty, see Section 50.99

#### § 50.07 PERMISSION TO CONNECT REQUIRED.

A person shall not directly or indirectly make any connections with or openings into the sewerage system for the purpose of serving any areas outside the corporate boundaries of the city without first securing a specific resolution of the Board of Public Works and Safety describing the real estate and property to be served and authorizing such connections. (Ord. 1983-1, passed 2-15-83) Penalty, see § 50.99

#### § 50.08 PROHIBITION OF DISCHARGE TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this subchapter. (Ord. 1983-1, passed 2-15-83) Penalty, see Chapter 50.99

#### § 50.09 PRIVATE WELLS.

(A) Registration of wells. Every owner or occupant of real estate within the corporate limits of the city, or real estate from which there is a lateral sewer or other means or path of direct or indirect flow into the sewerage system, shall, on a form provided by the Board of Public Works and Safety, report the existence of any well to the Superintendent of the Sewer Department. The information furnished on such form by the owner or occupant shall include, among other items, the name of the owner and occupant of such real estate, the location of said real estate of such well, the size of the well pipe, the size (voltage, amperage, and horsepower where ascertainable) of the well pump motor, and the purpose for which the well water is used by the owner, occupant, or others.

(B) Metering of well water. The Board shall determine by any reasonable means, including, but not limited to, the use of water meters and timing devices, the flow of such well in order to determine the amount of sewage entering the sewerage system. The owner or occupant of such real estate shall pay for such metering device, which shall be of a type approved by the Board, and which shall remain the property of the owner but shall be under the exclusive control of the Board and shall not under any

circumstances be tampered with by the owner, occupant, or any other person. In the case of wells for household use only the Board may, in lieu of metering or timing the use of the well, provide for use of reasonable estimates regarding water volume.

(C) Inspection of wells. The Board may direct the Superintendent, inspector, or any other employee to enter upon private property for the purpose of inspecting to determine the existence of private wells, to oversee or to direct the installation of metering or timing devices, and to read such meters and devices.

(D) Well digging. A person shall not hereafter dig or drive a well within the city limits without first making application therefor to the Superintendent, which application shall be on a form approved by the Board and shall show all pertinent data regarding size and flow. The application shall be signed by both the installer of the well (the contractor or other person doing the work) and the owner of his agent (other than the installer). The failure to file such an application shall be a violation of this subchapter. (Ord. 1983-1, passed 2-15-83) Penalty, see § 50.99

#### § 50.10 LIMITATIONS ON POINT OF DISCHARGE.

No person shall discharge any substance directly into a manhole or other opening in the sewerage system other than through the approved building (or house) lateral sewer, except in accordance with the terms of this subchapter or by express permission of the Board of Public Works and Safety. (Ord. 1983-1, passed 2-15-83) Penalty, see § 50.99

#### § 50.20. REGULATION OF DIRECT AND INDIRECT DISCHARGES.

##### 2.1 Prohibited Discharge Standards

- A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference. Total Suspended Solids level in excess of 300 mg/l daily average may be subject to a surcharge per Section 2.2;

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. BOD levels in excess of 300 mg/l daily average may be subject to a surcharge per Section 2.2;
- (5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW sewers including in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

- (14) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

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

## 2.2 Abnormal Waste Surcharge

- A. In the event the Control Authority excludes a customer from the requirements of Section 2.1 and the customer discharges abnormal industrial wastes to the public sanitary sewerage system having an average total suspended solids (TSS) content in excess of 300 mg/l and/or an average of five (5) day BOD in excess of 300 mg/l, the customer shall pay a surcharge based upon the excess strength of his wastes.
- B. The costs of treatment for each pound of BOD, suspended solids, or grease removed by each treatment works shall be reviewed by the City at the end of each fiscal year. If a discrepancy exists between the actual costs as found by the City and the estimated costs, the Control Authority shall increase or decrease the surcharge rates sufficiently to cover only the projected actual costs for the ensuing year.
- C. No reduction in sewerage service charges, fees, or taxes will be permitted because of the fact that certain industrial wastes discharged to the public sanitary sewerage system contain less than 300 milligrams per liter of suspended solids or 300 milligrams per liter BOD.

## 2.3 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA

when developing the categorical pretreatment standard.

- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

## 2.4 Local Limits

The following pollutant limitations are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum concentrations based upon a 24-hour composite sample. Additionally, no person shall discharge wastewater containing in excess of the following maximum concentrations times a multiplier of 1.5 based upon a grab sample. The 1.5 grab sample multiplier does not apply to Hex Chromium, Cyanide and Phenols in that analytical procedures do not allow for composite techniques to be applied to these parameters. For Hex Chromium, Cyanide and Phenols, three (3) grab sample results shall be analyzed with results not to exceed the following noted limitations.

### Daily Maximum Limitations

0.10	mg/l Arsenic (total)
500	mg/l BOD <sub>5</sub>
1000	mg/l COD <sub>5</sub>
0.3	mg/l Cadmium (total) <sup>1</sup>
0.28	mg/l Hex. Chromium <sup>1</sup>
5.0	mg/l Total Chromium <sup>1</sup>
500	mg/l Total Suspended Solids
0.23	mg/l Copper <sup>2</sup>
0.19	mg/l Cyanide (total) <sup>1</sup>
0.32	mg/l Lead (total) <sup>1</sup>
0.007	mg/l Mercury (total) <sup>1</sup>

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<sup>1</sup> Limitation derived from waste load model based upon 1990 Indiana Water Quality Standards

0.01	mg/l Molybdenum <sup>2</sup>
5.0	mg/l Nickel <sup>1</sup>
100	mg/l Oil & Grease
0.013	mg/l Selenium <sup>2</sup>
0.30	mg/l Silver <sup>1</sup>
1.0	mg/l Phenols
1.9	mg/l Zinc (total) <sup>1</sup>

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

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

## 2.5 Board's Right of Revision

The Board reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

## 2.6 Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable

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<sup>2</sup> Limitation derived from waste load model based upon 40 CFR Part 503 Federal Sludge Regulations

pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## SECTION 3 - PRETREATMENT OF WASTEWATER

### 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

### 3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.
- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable waste, sand or other harmful ingredients, except that these 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, water-tight, and equipped with easily removable covers which when bolted in place, shall be gas-tight and water-tight, and capable of the maximum flow rate of the pipe installed therein.

### 3.3 Accidental Discharge/Slug Control Plans

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

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 6.6 of this ordinance; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

## SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

### 4.1 Wastewater Analysis

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

### 4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this ordinance may continue to discharge for the time period specified therein.

- B. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

#### 4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 4.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.

#### 4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

#### 4.5 Wastewater Discharge Permit Application Contents

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

- A. All information required by Section 6.1(B) of this ordinance;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of

operation;

- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

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

#### 4.6 Application Signatories and Certification

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

#### 4.7 Wastewater Discharge Permit Decisions

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

### SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

#### 5.1 Wastewater Discharge Permit Duration

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

## 5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

### A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Board in accordance with Section 5.5 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

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

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

### 5.3 Wastewater Discharge Permit Appeals

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

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Wastewater Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge

permit decision must do so by filing a complaint with the Adams County Circuit Court within thirty (30) days.

#### 5.4 Wastewater Discharge Permit Modification

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

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### 5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and

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

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

#### 5.6 Wastewater Discharge Permit Revocation

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

- A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Superintendent or his agent timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges and/or surcharges pursuant to Section 2.2;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of

business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

### 5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

### 5.8 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or sewer district contributes wastewater to The POTW, the Superintendent shall enter into an intermunicipal or interdistrict agreement with the contributing entity.
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing entity:
  - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;
  - (2) An inventory of all users located within the contributing entity that are discharging to the POTW; and
  - (3) Such other information as the Superintendent may deem necessary.
- C. An agreement, as required by paragraph A, above, shall contain the following conditions:
  - (1) A requirement for the contributing entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;
  - (2) A requirement for the contributing entity to submit a revised user inventory on at least an annual basis;
  - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by The contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;
  - (4) A requirement for the contributing entity to provide the Superintendent with access to

all information that the contributing entity obtains as part of its pretreatment activities;

- (5) Limits on the nature, quality, and volume of the contributing entity's wastewater at The point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing entity's discharge;
- (7) A provision ensuring the Superintendent access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal or interdistrict agreement.

## SECTION 6 - REPORTING REQUIREMENTS

### 6.1 Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

- (a) The categorical pretreatment standards applicable to each regulated process.
- (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this ordinance.
- (c) Sampling must be performed in accordance with procedures set out in Section 6.11 of this ordinance.

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

(7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this ordinance.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of this ordinance.

## 6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this ordinance:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, project status reports, beginning operation, and attain compliance);
- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the Superintendent no later than fourteen (14)

days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

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

### 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 6.1(B)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.

### 6.4 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of this ordinance.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.

## 6.5 Reports of Changed Conditions

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

- A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this ordinance.
- B. The Superintendent may issue a wastewater discharge permit under Section 4.7 of this ordinance or modify an existing wastewater discharge permit under Section 5.4 of this ordinance in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

## 6.6 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) 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, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

## 6.7 Reports from Unpermitted Users

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

## 6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

## 6.9 Notification of the Discharge of Hazardous Waste

- A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Region V Waste Management Division Director, and State hazardous waste authorities (IDEM Office of Solid & Hazardous Waste), in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.
- B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste,

the user must notify the Superintendent, the EPA Region V Waste Management Waste Division Director, and the Indiana Department of Environmental Management (IDEM) of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- D. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

#### 6.10 Analytical Requirements

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

#### 6.11 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease (O & G), temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

#### 6.12 Timing

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

#### 6.13 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring

activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years.

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

## SECTION 7 - COMPLIANCE MONITORING

### 7.1 Right of Entry: Inspection and Sampling

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

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or his agent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent or his agent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum of once per year to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the Superintendent or his agent access to the user's premises shall be a violation of this ordinance.

### 7.2 Search Warrants

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

## SECTION 8 - CONFIDENTIAL INFORMATION

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

## SECTION 9 - ADMINISTRATIVE ENFORCEMENT REMEDIES

### 9.1 Notification of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for

any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

## 9.2 Agreed Orders

The Superintendent may enter into Agreed Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

## 9.3 Show Cause Hearing

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

## 9.4 Compliance Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including

additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

#### 9.5 Cease and Desist Orders

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

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

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

#### 9.6 Administrative Fines

- A. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$2,500 as provided by IC 36-1-3-8. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may

add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

## 9.7 Emergency Suspensions

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

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

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

## 9.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

## SECTION 10 - JUDICIAL ENFORCEMENT REMEDIES

### 10.1 Injunctive Relief

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Adams County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### 10.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the

magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

### 10.3 Remedies Nonexclusive

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

## SECTION 11 - MISCELLANEOUS PROVISIONS

### 11.1 Pretreatment Charges and Fees

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the Board may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City.(Ord. 1998-3, passed 3/3/98)

### § 50.25 LIFT STATIONS.

The following requirements, numbers 1 through 8 must be met prior to the City assuming control and maintenance of a sanitary sewer lift station:

1. The owner of the lift station shall pay for the expense of hook-up of the telemetry lines into the control board located at the waste water treatment plant.
2. The owner shall install Flyte pumps (no grinder pumps) or pumps with compatible

connections to Flyte pump rails and hookups.

3. Hour meters are to be installed on each pump.
4. All pumps must be three phase pumps with three phase line. No converters to three-phase will be accepted.
5. The rails for each pump are to be installed and are to be made of stainless steel.
6. Each lift station shall have an aluminum entrance door.
7. Steps are to be installed into the wet well of the lift station.
8. Three-way disconnect with portable generator hook-up is to be installed.

Whenever a development plan is submitted for a subdivision or any other development requiring a hook-up to the City of Decatur sanitary sewer lines and the development plan includes installation of a lift station rather than a gravity sanitary sewer, then the individual or entity submitting the development plan shall submit cost estimates for each, gravity sanitary sewer and sanitary sewer with lift station, to the appropriate body, Decatur Planning Commission or Board of Zoning Appeals, with the development plan. (Ord. 1998-3, passed 3/3/98)

## SEWER RATES

### § 50.30 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and American Water Works Association, and the Water Pollution Control Federation and as set forth in 40CFR136. Waste constituents and characteristics shall be measured by Standard Methods unless a mutually agreed upon acceptable alternative method is adopted, or in such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods.

“BIOCHEMICAL OXYGEN DEMAND” or “BOD” (of sewage, sewage effluent, polluted waters or industrial wastes). 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 days at 20 degrees C. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods, therein and conventionally referred to as BOD5.

“BOARD.” The Board of Public Works and Safety of the city. It is the governing body of the sewerage system of the city, which system is a public service.

“CHEMICAL OXYGEN DEMAND” or “COD” (of sewage, sewage effluent, polluted waters or industrial wastes). A measure of the oxygen equivalent of the 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.

“CITY.” The City of Decatur, Indiana.

“DEBT SERVICE CHARGE.” A charge levied on users of a treatment works to fund debt service on outstanding revenue bonds and current capital costs.

“INDUSTRIAL WASTES.” Any solid, liquid, or gaseous substance or forms of energy discharges, permitted to flow into or enter the sewerage system from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water.

“MAJOR CONTRIBUTOR.” A user discharging or introducing into the sewerage system a flow of more than 50,000 gallons per average workday; a toxic pollutant in toxic amounts as defined in Section 307 U.S. Public Law 92-500 as now adopted or as hereafter amended; a flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Board of Public Works and Safety; an effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent; or any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment.

“NORMAL DOMESTIC SEWAGE.” Sewage such as discharged by residential users with a BOD5 concentration not in excess of 230 mg/l and a suspended solids concentration not in excess of 250 mg/l.

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

“PERSON.” Any natural person, or public or private corporation, or any other entity whatever.

“PUBLIC SEWER.” A sewer owned by the city.

“RECEIVING SEWER SYSTEM.” The Decatur Municipal Sewer System.

“REPLACEMENT.” Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term “OPERATION AND MAINTENANCE” includes “REPLACEMENT”.

“SANITARY SEWAGE.” Sewage such as, and having the characteristics of, domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories, or institutions, free from storm and surface water and industrial wastes.

“SANITARY SEWER.” A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, government buildings, industrial buildings, and institutions.

“SEWAGE CHARGES.” The total of the user charge and the debt service charge.

“SEWERAGE SYSTEM.” The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself.

“SEWER.” A pipe or conduit laid by carrying sewage or other liquids, and solids suspended or entrained therein.

“SEWER USE ORDINANCE.” The currently effective ordinance of the city Sewer Use Ordinance, Ordinance No. 1983-1, codified as §§50.01 through 50.25, together with any amendments, which regulates the connecting to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewerage system of the city, and which provides for the registration of and the metering of private wells, and provides penalties for violations thereof and other matters pertaining thereto.

“SURCHARGE.” A charge for sewerage services in addition to the basic sewage charge. This charge is assessed users whose sewage is of such a nature that it imposes upon the sewage works a burden greater than that covered by the basic sewage charges.

“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 determinations shall be made in accordance with procedures set forth in Standard Methods.

“USER.” A person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the sewerage system, any substance whatever.

“USER CHARGE.” A charge levied on users of a treatment works, or that portion of the ad valorem taxes paid by a user, for the user’s proportionate share of the cost of operation and maintenance (including) replacement of such works.

“USER CLASSES.”

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

(2) “GOVERNMENTAL USER.” A user engaged in legislative, judicial, or administrative activities of federal, state, and local governments, such as court houses, police and fire stations, city halls, and similar governmental users.

(3) “INDUSTRIAL USER.” Any user who discharges industrial wastes, as defined above.

(4) “INSTITUTIONAL USER.” A publicly or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.

(5) “RESIDENTIAL USER.” A user who introduces only normal domestic sewage from a single-family or multi-family dwelling into the sewerage system.

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

“WASTEWATER.” The water-carried waste from residences, commercial buildings, government buildings, institutions, and industrial buildings, singular or in any combination, together with such ground, surface, and storm waters as may be present.

“WASTEWATER TREATMENT PLANT.” Any arrangement of devices and structures used by the city for treatment and disposing of sewage, sludge, and other sewage constituents and products. (Ord. 1983-2, passed 2-15-83)

§ 50.31 PERSONS SUBJECT TO FEES AND SEWER CHARGES.

For the use and service rendered by the sewerage works, sewer charges shall be collected from

the person who owns each and every parcel of real estate that is connected directly or indirectly to the city's sewerage system or otherwise discharges wastewater either directly or indirectly into the sewerage system of the city, which sewer charges shall be payable as provided in §§50.31 through 50.44. (Ord. 1983-2, passed 2-15-83)

§ 50.32 EFFECTIVE DATE; EXTENSION TO ADDITIONAL PROPERTY.

The sewer charges fixed by §§50.31 through 50.44 shall become effective at the time the user first discharges to the sewerage system. These sewer charges shall be extended to and cover any additional premises thereafter served, without the necessity of any hearing or notice. (Ord. 1983-2, passed 2-15-83)

§ 50.33 RATE BASIS; METER READING SCHEDULE.

(A) The sewer flow charges shall be based on the quantity of water as measured by the water meter used on or in the premises subject to such sewer charges, except as otherwise provided in §§50.31 through 50.44.

(B) Water meters shall be read once each month, or at the option of the city, at other intervals. (Ord. 1983-2, passed 2-15-83)

§ 50.34 WATER OBTAINED FROM SOURCES OTHER THAN CITY WATERWORKS.

In the event a user obtains water partially or wholly from sources other than the city waterworks, the total water used must be measured or determined as provided in §50.13(B) or §50.17 or by other reasonable means as the Board of Public Works and Safety may direct. In the case of a single-family household having a private well but no city water supply, the sewer flow charge shall be for 1,076 cubic feet per month, unless a meter is installed on the well at the request of either the user or the city, in which case the cost of installation will be paid for by the user. The installation of any such meter shall be approved by the city. (Ord. 1983-2, passed 2-15-83)

§ 50.35 ONE OR MORE LOTS OR DWELLING UNITS SERVED BY A SINGLE METER.

(A) In the event two or more residential lots, parcels of real estate, or buildings discharging wastewater into the city's sewerage system, either directly or indirectly, are consumers of water, and the quantity of water is measured by a single water meter, then in such case, for billing purposes, the quantity of water used shall be the average 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 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 such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of Two and 5/100ths Dollars (\$2.05) per month for each dwelling unit over one (1) served through the single water meter if the property of the user is situated within the corporate limits of the city and Three and 10/100ths Dollars (\$3.10) per month times the number of dwelling units over one (1) served by such meter if the property of the user

is situated outside the corporate limits of the city. In the case of trailer parks the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in the park plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or other living space or spaces in which cooking facilities are provided. (Ord. 1995-8, passed 6-30-95)

§ 50.36 PORTION OF WATER NOT ENTERING SEWAGE SYSTEM.

In the case of a user utilizing more than 1,000 cubic feet of water per month, who can substantiate to the city that a portion of the water does not and cannot enter the sewerage system, the Board of Public Works and Safety shall either determine the portion of the measured water to be used in determining the appropriate sewer charges, or approve the manner and technique of flow measurement provided by the user for determining wastewater discharged to the sewerage system. Facilities utilized to accomplish this shall be installed and maintained in a serviceable condition by the user at his expense. The city shall have the right to access to such flow measurement equipment at all times in order to verify the accuracy of the equipment and obtain samples. (Ord. 1983-2, passed 2-15-83)

§ 50.37 SWIMMING POOL CHARGE.

The owner of any residential swimming pool shall pay to the city in addition to other charges provided herein, the sum of \$1.62 per 100 cubic feet of water capacity of the pool per annum provided that, if the pool is filled with water that has been measured by a water meter that is acceptable to the city, payment shall not be applicable. Such payment shall be billed by the city in June of each year, and shall be collected as other sewage service charges are collected. (Ord. 1995-8, passed 10-3-95)

§ 50.38 SPRINKLING RATES.

In order that the domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the months of June, July and August, the billing for sewage service for residences or domestic users for the months of June, July and August shall be based upon 100% of the water usage for the previous months of December, January and February. In the event 100% of the water usage for the previous months of December, January and February is greater than the water usage for the months of June, July and August, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is rendered. 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 commercial or industrial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water services so that the residential portion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving that portion of the premises used for residential purposes would qualify under the sprinkling rate. (Ord. 1983-2, passed 2-15-83)

§ 50.39 BILLING PROCEDURE.

(A) Sewer billings and invoices shall be rendered and collected approximately monthly.

(B) The Board of Public Works and Safety shall make and enforce such bylaws and regulations as may be deemed necessary for the regulation, collection, rebating, and refunding of the sewer charges prescribed by this section of this subchapter.

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

(D) Major contributors with a flow in excess of 50,000 gallons per average workday shall have billing determined on the basis of wastewater discharged as monitored per §50.16, with the following exception.

(E) At its option, the city may accept monitoring data and information from such a major contributor to substantiate billing determination on a more frequent basis than as established in §50.16. Such allowance, however, does not exempt the major contributor from the surveillance survey fee set by the city in §§50.14 through 50.24.

(F) In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the user may, within 30 days of billing, appeal to the Board. (Ord. 1983-2, passed 2-15-83)

§ 50.40 TENANTS MAY BE BILLED; RIGHT OF OWNERS TO EXAMINE RECORDS.

The sewer charges may be billed to the tenants occupying the premises served, unless otherwise instructed in writing by the person who owns the premises. Such billings shall in no way relieve the owner of liability in the event payment is not made as herein required. The owners of the premises served, which are occupied by tenants, shall have the right to examine the collection records of the city for the purpose of determining whether such sewer charges have been paid by such tenants; provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business. (Ord. 1983-2, passed 2-15-83)

§ 50.41 LIABILITY OF CITY FOR CHARGES.

For the service rendered to any department or agency of the city, except the Sewer Department, the city shall be subject to the sewer charges provided herein.

§ 50.43 SEWAGE CHARGES.

(A) Sewage charges shall be effective upon the passage of this Ordinance. For the use and the service rendered by the Decatur Sewage Works, sewage charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

<u>Users Inside City Limits</u>	User Charge per 100 Cubic Feet	Debt Service Charge per 100 Cubic Feet	Total Sewage Charge per 100 Cubic Feet
Consumption per month			
First 360 cubic feet	\$1.68	\$0.37	\$2.05
Next 900 cubic feet	.78	1.02	1.80
Next 1,000 cubic feet	.78	0.84	1.62
Next 2,000 cubic feet	.78	0.63	1.41
Next 16,000 cubic feet	.78	0.44	1.22
Next 20,000 cubic feet	.78	0.22	1.00
Over 40,260 cubic feet	.78	0.03	0.81
Minimum charge	6.08	1.32	7.40

<u>Users Outside City Limits</u>	User Charge per 100 Cubic Feet	Debt Service Charge per 100 Cubic Feet	Total Sewage Charge per 100 Cubic Feet
Consumption per month			
First 360 cubic feet	\$1.68	\$1.42	\$3.10
Next 900 cubic feet	.78	1.92	2.70
Next 1,000 cubic feet	.78	1.65	2.43
Next 2,000 cubic feet	.78	1.34	2.12
Next 16,000 cubic feet	.78	1.05	1.83
Next 20,000 cubic feet	.78	0.73	1.51
Next 40,000 cubic feet	.78	0.44	1.22
Minimum charge	6.08	5.12	11.20

<u>Municipal Water Utility</u>	User Charge per 100 Cubic Feet	Debt Service Charge per 100 Cubic Feet	Total Sewage Charge per 100 Cubic Feet
Consumption per month			
First 360 cubic feet	\$1.68	\$-0-	\$1.68
Over 360 cubic feet	.78	-0-	.78

(B) The flat monthly sewage charge for any residential user who is not a metered water user shall be:

	<u>User Charge</u>	<u>Debt Service Charge</u>	<u>Total Sewage Charge</u>
Inside City Limits	\$11.70	\$ 8.65	\$20.35
Outside City Limits	11.70	18.90	30.60

(B) The Board is empowered to determine and to collect such charges as it may reasonably provide for under special agreements entered into by the Board, on behalf of the city, under §50.20. (Ord. 1995-8, passed 6-30-95)

§ 50.44 DELINQUENT ACCOUNTS.

Charges for sewerage service levied pursuant to this subchapter shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately 15 days after the bill is rendered) shall be considered delinquent and a delinquent charge of 10% of the amount due shall be added to the amount due. Delinquent sewage charges together with costs and other expenses of collection may be collected by any lawful remedy, including, where applicable, the placing of and foreclosure of liens on real estate as provided by state law. (Ord. 1983-2, passed 2-15-83)

§ 50.45 BIENNIAL REVIEW.

(A) The city shall review not less often than every two years, the wastewater contribution of users and user classes; the total costs of operation and maintenance of the treatment works, and its approved user charge system. The city shall revise the charges for users or user classes to: maintain the proportionate distribution of operation and maintenance costs necessary among users and user classes; generate sufficient revenues to pay the total operation and maintenance costs necessary to the proper operation and maintenance, including replacement, of the treatment works; and apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

(B) The city shall notify each user annually in conjunction with a bill of that portion of the user charge attributable to wastewater treatment services. (Ord. 1983-2, passed 2-15-83)

§ 50.46 APPROVAL OF ENVIRONMENTAL PROTECTION AGENCY.

Approval of this subchapter by the Regional Administrator of Region V of the Environmental Protection Agency is evidenced by the authorization received by the city on October 12, 1982 which authorization is reproduced in Ordinance 1983-2.

KOOS DITCH TRUNK SANITARY SEWER

§ 50.50 WRITTEN PERMIT REQUIRED.

No unauthorized person, firm or corporation shall uncover, make any connections with or opening into, use, alter or disturb the public sanitary sewer known and designated as the Koos Ditch Trunk Sanitary Sewer, without first obtaining a written permit therefore from the Clerk-Treasurer and paying any required tap permit fee as hereinafter prescribed. ('67 Code, §33.01) Penalty, see §50.99

§ 50.51 APPLICATION FOR PERMIT.

Application for a permit to tap into and use the Koos Ditch Trunk Sanitary Sewer whether by direct connection or by tap into a lateral sewer draining into the same shall be on forms furnished the city. Such application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the building inspector of the city. ('67 Code, §33.02)

§ 50.52 PERMIT FEE.

Except as hereinafter provided, a tap permit fee of \$250 is hereby fixed and levied upon any person, firm, or corporation desiring to tap into and to use the Koos Ditch Trunk Sanitary Sewer whether by direct connection thereto or by tap into a lateral sewer draining into the same. This tap permit fee shall be paid to the city when the application for the permit required by §50.51 is filed. ('67 Code, §33.03) Penalty, see §50.99

§ 50.53 EXCEPTIONS.

No tap permit fee shall be required of the School Corporation, North Adams Community Schools, which contributed to the cost of construction of such sewer and such school shall be entitled to tap into the same for school purposes without the payment of any tap permit fee. Further, the board of public works and safety in consideration of the grant of right-of-way for sewer construction or other adequate and valuable considerations furnished the city, may waive in writing the collection of such tap permit fee as to persons furnishing such grants and considerations and may permit any such persons to tap into such sewer without the payment of a tap permit fee. ('67 Code, §33.04)