

MEFFORD, WEBER AND BLYTHE

ATTORNEYS AT LAW

Federal Tax ID# 35-1489320

Donald T.
Mefford

September 6, 2012

W. Erik
Weber

Neal R.
Blythe

INDIANA UTILITY REGULATORY COMMISSION
WASTEWATER AND WATER DIVISION
PNC CENTER
101 W WASHINGTON ST
STE 1500 E
INDIANAPOLIS IN 46204

RECEIVED

SEP 11 2012

INDIANA UTILITY
REGULATORY COMMISSION

Re: Petition by the City of Auburn, Indiana for approval of rate and charge difference between property within and property outside the corporate boundaries of the Municipal City of Auburn

Dear Commissioners:

Enclosed you will find one (1) original and two (2) copies of the City of Auburn's Petition referenced above. I have also enclosed one (1) original and two (2) copies of my Appearance in this matter.

Please file the same and return any unused copies in the envelope provided.

If there is any additional information needed, please let me know.

Thank you.

Sincerely,

Mefford, Weber and Blythe, P.C.



W. Erik Weber

Erik@lawmwb.com

(Direct Line: 260-925-7679)

WEW/eb/1000.928
Encl.

STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

RECEIVED

PETITION FOR APPROVAL OF RATE)
AND CHARGE DIFFERENCE BETWEEN)
PROPERTY WITHIN AND PROPERTY)
OUTSIDE THE CORPORATE BOUNDARIES)
OF THE MUNICIPAL CITY OF AUBURN)

CAUSE NO. SEP 11 2012 INDIANA UTILITY REGULATORY COMMISSION

Pursuant to Indiana Code §8-1.5-3-8.3(c), Petitioner, the Municipal City of Auburn by counsel, respectfully petitions the Indiana Utility Regulatory Commission (“Commission”) for approval of the rate and charge difference between property within and property outside the corporate boundaries of the Municipal City of Auburn. In support of its Petition, Petitioner states:

1. The ordinance setting rates and charges for property within and property outside the municipality’s corporate boundaries took effect on September 22, 2009, and updated on May 17, 2011.
2. Attached as “Exhibit A” are copies of the Ordinances.
3. The works that is the subject of the Ordinance is a wastewater utility works.
4. The percentage difference between the rates and charges imposed on users of the works for service to property located outside the corporate boundaries of the municipality and to property located within the corporate boundaries is Twenty-five percent (25%).
5. If the percentage difference in #4 above does not vary based upon the amount of consumption.
6. Petition considers Ind. Code §8-1.5-3-8.3(c), among other statutes, to be applicable to the relief requested by this Petition.
7. W. Erik Weber is counsel of record for Petitioners in this matter and is duly authorized to accept service of papers in this cause on behalf of Petitioners.

WHEREFORE the Municipal City of Auburn requests that the Commission issue an Order approving the percentage rate and charge difference between property within and property outside the corporate boundaries of the Municipal City of Auburn and for other just and reasonable relief.

Respectfully submitted,



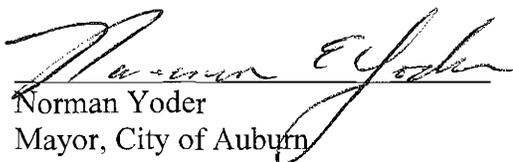
W. Erik Weber
Attorney for Petitioners

Verification

We, Patricia M. Miller and Norman Yoder, affirm under penalties for perjury that the foregoing representations are true to the best of our knowledge, information, and belief.



Patricia M. Miller
Clerk-Treasurer, City of Auburn



Norman Yoder
Mayor, City of Auburn

Date: 8-27-12

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing petition was served upon all interested parties on this 5th day of September, 2012, via U.S. Mail with sufficient first-class postage attached.

A handwritten signature in black ink, appearing to read 'W. Erik Weber', written over a horizontal line.

W. Erik Weber

First Reading 9/8/09 as amended
Second Reading 9/22/09

Received Original 9/1/09 via email 3:46pm
Received Revised 9/3/09 via email 9:24am
Clerk-Treasurer's Office
Auburn, Indiana

ORDINANCE NO. 2009-11

AN ORDINANCE AMENDING AND RESTATING RATES
AND CHARGES FOR THE USE OF THE SEWAGE SYSTEM
AND RELATED SERVICES OF THE CITY OF AUBURN

SUMMARY

This Ordinance authorizes the amendment and restatement of rates and charges of the sewer service of the City of Auburn, Indiana, as set forth in the Auburn City Code at Title V, Chapter 50, Sections 50.186 and 50.187.

_____ Recorder's Office	_____ X _____ Publish Public Hearing
_____ Auditor's Office	<u>6:00pm September 22, 2009</u>
_____ Clerk's Office	_____ Publish O/R after Adoption
_____ Other	
_____ Auburn Internet Code Site	

It is hereby established and ordained by the Common Council of the City of Auburn, Indiana, that:

Section 1. Title V, Chapter 50, Section 50.186 of the Auburn City Code ("Code") is hereby amended and restated as follows:

A) Metered Service

1)

Metered Users Base Rate	In-City Phase One	In-City Phase Two	Out-of-City Phase One	Out-of-City Phase Two
5/8 - 3/4 inch meter	\$8.55	\$ 9.42	\$10.69	\$11.78
1 inch meter	21.38	23.56	26.73	29.45
1 - 1/2 inch meter	35.42	39.02	44.27	48.77
2 inch meter	85.49	94.19	106.85	117.72
3 inch meter	196.63	216.63	245.78	270.78
4 & 6 inch meter	341.96	376.74	427.46	470.93

2)

Plus: Flow Rate	Per 1,000 Gallons	Per 1,000 Gallons	Per 1,000 Gallons	Per 1,000 Gallons
Operation & Maintenance and Replacement	\$4.81	\$5.30	\$6.02	\$6.63
Local Capital Charge	3.59	3.96	4.50	4.95

3)

Plus: Per Bill	Per Bill	Per Bill	Per Bill	Per Bill
Billing Charge	\$3.31	\$3.65	\$4.14	\$4.56
Unmetered Users	Monthly Amount	Monthly Amount	Monthly Amount	Monthly Amount

B) Unmetered Service

1) Residential single family	\$53.90	\$59.38	\$67.37	\$74.22
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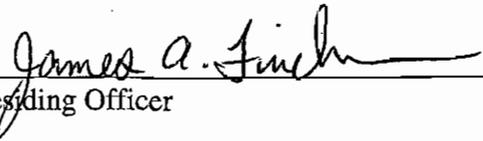
Section 2. The rates and charges of Phase One approved in this ordinance shall become effective for the next billing cycle of November, 2009 following the passage of this ordinance. The rates and charges of Phase Two approved in this ordinance shall become

effective one year later, for the billing cycle of November, 2010. All other provisions of and all other rates and charges established by the Code shall remain in full force and effect.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council and signing by the Mayor.

Passed and adopted by the Common Council of the City of Auburn this 22nd day of September, 2009.

COMMON COUNCIL OF THE CITY OF
AUBURN



Presiding Officer

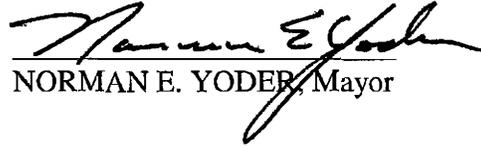
ATTEST:



Patricia Miller, Clerk-Treasurer

Presented to me, the Mayor of the City of Auburn, Indiana this 22nd day of September, 2009.

APPROVED AND SIGNED by me this 22nd day of September, 2009.


NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

Dick Stahly



David Painter

Marilyn Gearhart



James Finchum



Greg Kenner



Keith Schrimshaw



Michael Walter



To: **KPC Media Group Inc.**
P.O. Box 39, KENDALLVILLE, IN 46755

Tax I.D. 35-0436930

PUBLISHERS OF THE STAR

COMPUTATION OF CHARGES:

36 lines, 2 column(s) wide equals 72 equivalent lines at 0.3660 cents per line,	26.35
Additional charges for notices containing rule or tabular work (50% of above amount) AND/OR extra proofs of publication (\$1.00 for each proof in excess of 2) equals 13.18	13.18
Data for computing cost: Width of single column - 12 ems Size of type - 7 points Size of quad upon which type is cast - 8 pt. Number of insertions - 1	39.53

PUBLISHER'S CLAIM

LINE COUNT	
HEAD (number of lines)	1
BODY (number of lines)	34
TAIL (number of lines)	1
TOTAL	36

"Pursuant to the provisions and penalties of Chapter 155, Act 1953, (s)he further says that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid"

Date: 9/15/09

Kelly Wallen
Legal Clerk

Ad #: 00192381
CITY OF AUBURN**

PUBLISHER'S AFFIDAVIT

Noble County) SS:
State of Indiana)

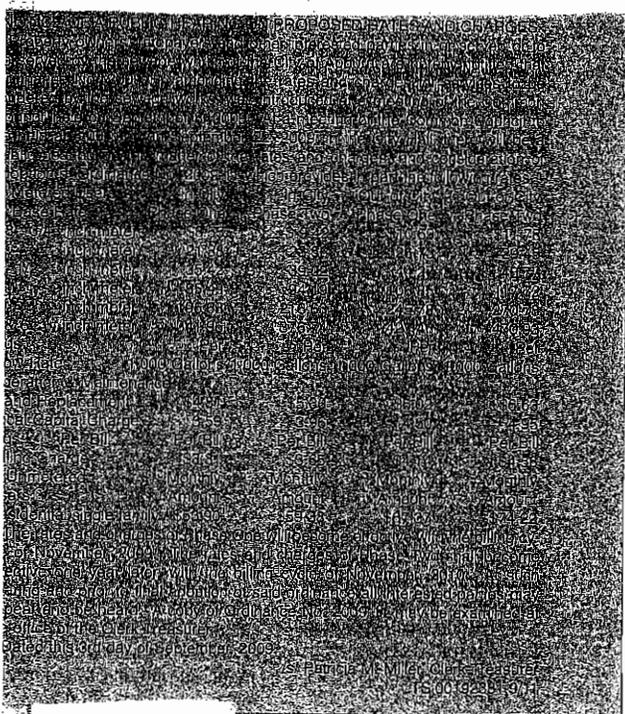
Personally appeared before me, a notary public in and for said county and state, the undersigned Kelly Wallen who being duly sworn said that (s)he is of competent age and is Legal Clerk of KPC Media Group Inc, publisher of a daily newspaper in Kendallville, county of Noble, State of Indiana, a weekly newspaper in Ligonier, county of Noble, State of Indiana, a daily newspaper in Auburn, county of DeKalb, State of Indiana, a daily newspaper in Angola, county of Steuben, State of Indiana a weekly newspaper in Garrett, county of DeKalb, State of Indiana, Butler a weekly newspaper in Butler, county of DeKalb, State of Indiana, and which during that time have been newspapers of general circulation, having bona fide paid circulations, printed in the English language and entered, authorized and accepted by the post office department of the United States of America as mailable matter of the second-class as defined by the Act of Congress of the United States on March 3, 1879, and that the printed matter attached is a true copy, which was duly published in said newspaper 1 times, the dates of publication being as follows : 09/11/2009

Kelly Wallen

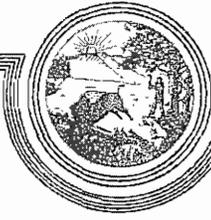
Affiant _____

Notary Public *Mary L. Monesmith*

Subscribed and sworn before me on this 15th day
September, 2009
My commission expires May 21, 2010

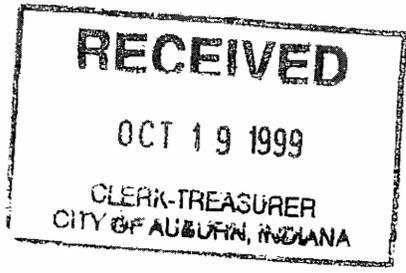


STATE OF INDIANA



INDIANAPOLIS 46204

INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, ROOM E306



October 15, 1999

Auburn Municipal Water Utilities
210 East 9th Street
P.O. Box 506
Auburn, IN 46706-0506

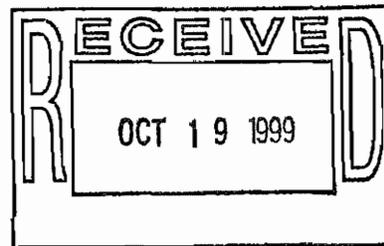
RE: Remittance of approved tariffs for Auburn Municipal Water Utility

Dear Sir:

Pursuant to the Commission's Order in Cause No. 41414, dated September 22, 1999, the tariffs for Auburn Municipal Utility have been stamped with an effective date of October 14, 1999 and have been placed in the Commission's tariff files. A duplicate set for the utility is attached. If you have any questions please feel free to contact me at (317) 232-2773.

Sincerely,

Kris Rubin
Engineering Division



KRISTINE K. RUBIN
Principal Engineering Analyst
Engineering Division

INDIANA UTILITY REGULATORY COMMISSION

302 West Washington Street, Suite E 306
Indianapolis, Indiana 46204

Telephone: (317) 232-2773
Internet: krubin@urc.state.in.us

Fax: (317) 233-1981

AUBURN MUNICIPAL WATER UTILITIES
Auburn, Indiana

Schedule of Rates and Charges
Approved By the Indiana Utility Regulatory Commission

ISSUED PURSUANT TO
ORDER NUMBER
41414
DATE **OCT 14 1999**
INDIANA UTILITY REGULATORY COMMISSION

Cause No. 41414, Commission Order Dated September 22, 1999

The following rates and charges shall be applied for services rendered by the Waterworks system of the City of Auburn:

(a) Monthly Metered Rates per 1,000 gallons applicable to Residential, Commercial, Industrial and Institutional Meter Classes.

<u>Monthly Usage</u>		<u>Rate per 1,000 gallons</u>
First	15,000 gallons	\$ 2.49
Next	185,000 gallons	2.42
Next	300,000 gallons	2.30
Over	500,000 gallons	1.97

(b) Monthly Service Charge in Addition to Monthly Meter Rates applicable to Residential, Commercial, Industrial and Institutional Meter Classes.

<u>Meter Size</u>		<u>Charge</u>
5/8 - 3/4	inch meter	\$ 3.14
1	inch meter	6.15
1 1/2	inch meter	12.31
2	inch meter	20.95
3	inch meter	45.61
4	inch meter	80.13
6	inch meter	178.78
8	inch meter	316.88
10	inch meter	494.44
12	inch meter	711.46

(c) Monthly Fire Protection Surcharge in Addition to Monthly Meter Rates and Service Charge applicable to Residential, Commercial, Industrial and Institutional Meter Classes.

<u>Meter Size</u>		<u>Charge</u>
5/8 - 3/4	inch meter	\$ 6.72
1	inch meter	17.20
1 1/2	inch meter	38.71
2	inch meter	68.81
3	inch meter	154.83
4	inch meter	275.25
6	inch meter	619.32
8	inch meter	1,101.00
10	inch meter	1,720.32
12	inch meter	2,477.28

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INDIANA UTILITY REGULATORY COMMISSION
ENGINEERING DIVISION

(d) Private Fire Hydrants \$ 760.80

(e) Private Sprinklers-Per Annum-Per Connection

<u>Connection Size</u>		<u>Charge</u>
2	inch connection	84.48
3	inch connection	190.20
4	inch connection	338.04
6	inch connection	760.80
8	inch connection	1,352.52
10	inch connection	2,113.44
12	inch connection	3,043.20

ISSUED PURSUANT TO
ORDER NUMBER
41414
DATE OCT 14 1999
INDIANA UTILITY REGULATORY COMMISSION

(f) Miscellaneous

Public drinking fountain per annum \$ 69.74

(g) Water Meter Set Fee

The following charge applies when all necessary connection parts except for the utility provided meter is installed.

<u>Meter Size</u>		<u>Charge</u>
3\4	inch meter	\$ 125.00
1	inch meter	200.00

A meter size over 1 inch will be charged at actual cost for the following; meter with encoder, meter yoke, transportation and labor.

(h) Water Service Attachments

All applications for service attachments to the water distribution for the purpose of introducing water into any premise, as well as applications for the use of water, must be made at the Department of Building, Planning and Development Office by the owner of the premise into which water is proposed to be introduced. The application shall be upon forms prescribed by the Department and signed by the applicant or his authorized agent.

The applicant shall pay in advance the following water tap charges, which shall include a corporation stop, curb stop, service box, copper tubing, backhoe, operator service and labor:

<u>Meter Size</u>		<u>Charge*</u>
3\4	inch meter	\$ 650.00
1	inch meter	750.00
1 1\2	inch meter	850.00
2	inch meter	900.00
4	inch meter	1,500.00
6	inch meter	1,550.00
8	inch meter	1,750.00

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INDIANA UTILITY REGULATORY COMMISSION
ENGINEERING DIVISION

For meters greater than 8 inch the utility will charge actual cost.

* In addition the customer will pay to the utility the actual cost of the meter.

(i) Non-recurring charges

The following non-recurring charges shall be made for the transaction and/or services as specifically set forth:

Remote Installation Charge	\$	20.00
Customer Meter Deposit		50.00*
Frozen Meter Charge		100.00

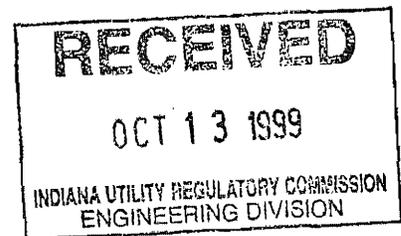
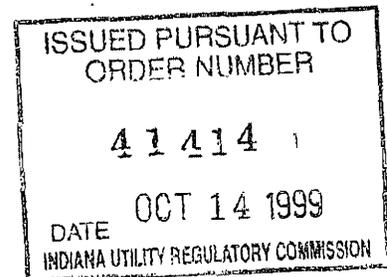
Refundable after 12 consecutively satisfactory payments.

(j) Temporary User

Water furnished to temporary users, such as contractors, etc., shall be charged on the basis of the above gallonage rates as estimated by the Waterworks Superintendent. When a meter is installed for such purposes, the regular water rates and service charges shall apply and the temporary user shall pay for the installation and removal of the meter.

(k) Collection and Deferred Payment Charges

All bills for water services not paid within seventeen (17) days from the due date thereof, as stated in such bills, shall be subject to a collection or deferred payment Charge of 10% on the first \$3.00 and 3% on the excess over \$3.00.



Original received 3.8.2011 via email @2:26pm
Revised received 4.26.2011 via email @2:08pm
Revised received 5.10.2011 via email @2:02pm
Clerk-Treasurer mailbox
Auburn, Indiana

ORDINANCE 2011-05

**THE 2011 RESTATEMENT OF CITY OF AUBURN
OMNIBUS SEWER ORDINANCE
AMENDING ORDINANCE 2002-01**

SUMMARY

This ordinance does the following:

1. Restates updates, clarifies and combines the Sewer Rate, Use and Industrial Pretreatment ordinances of 2002-01
2. Revises language based on review and recommendations made by the United States Office of the Environmental Protection Agency.
3. Restates use of the previously performed cost of service study.
4. Restates the raising of the connection fee for new connections from \$500.00 to \$1,000.00 and further raises it \$200.00 per year until it reaches \$2,600.00.
5. Restates the Sewer Rates for those outside the City at 125% of those inside the City, except other governmental units pay the same as inside the City.
6. Restates the Sewer Rates for those in the City as the same as they currently are.
7. Updates and restates the previously passed Omnibus Sewer Ordinance.

_____ Recorder's Office	_____ x _____ Publish Public Hearing
_____ Auditor's Office	_____
_____ Clerk's Office	_____ x _____ Publish O/R after adoption.
_____ Other	_____

ORDINANCE NO. 2011-05

**THE 2011 RESTATEMENT OF CITY OF AUBURN
OMNIBUS SEWER ORDINANCE AMENDING ORDINANCE 2002-01**

WHEREAS, the City of Auburn desires to reform its sewer use and rate ordinances that are required or recommended by the United States Environmental Protection Agency (EPA), and

WHEREAS, in order that the City of Auburn and its citizens, businesses and industries not unduly pollute the Cedar Creek, any other stream, or the sub-surface groundwaters in Auburn and its environs, it is necessary for the City to maintain a municipal wastewater system and a plant for the treatment of wastewater and to adopt and to enforce regulations relating to such system and the use thereof by persons, businesses and industries interconnected with such system, and for the City to impose fees and charges for the use of such system so as to defray the costs and expenses thereof and to comply with applicable state and federal regulations and laws; and

WHEREAS, the objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting biosolids;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and biosolids from the system;
- (d) To provide for equitable distribution of the cost of the municipal wastewater system;

- (e) To protect the physical integrity of the publicly owned treatment works and to provide for the safety of the public and workers on and in the works; and
- (f) To enable the City of Auburn 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 POTW is subject.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL THE CITY OF AUBURN, INDIANA, THAT: Ordinance 2002-01 passed and adopted on July 2, 2002 and effective on August 24, 2002 is now amended and restated to reads as follows:

ARTICLE I
GENERAL

1. Application:

Articles IV, V, VI, and IX apply to the Industrial Pretreatment Program only. All other Articles apply to all classes of users, connections, customers, and situations.

1.2 Ordinances:

Those portions of Ordinances numbered 796, 977, 976, 82-7, 230, 530, 1086, 73-31, 85-21, 84-37, 85-8 codified in Chapter 50 of the Auburn City Code are hereby repealed. The following sections of Chapter 50 are not repealed by this

Ordinance:

50.37, 50.38, and 50.45.

It is directed that these remaining sections should be recodified under a new Chapter 54 and that the balance of this new ordinance be codified as Chapter 50.

ARTICLE II
DEFINITIONS

2.1 Definitions.

Unless otherwise defined herein, terms shall be as adopted in the latest edition of the Glossary of Water and Wastewater Control Engineering, Third Edition, published by American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Pollution Control Federation.

2.1.1 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.

2.1.2 Approval Authority. The Director of the Indiana Department of Environmental Management.

2.1.3 Authorized Representative of Significant Industrial User. An authorized representative of a Significant Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Significant Industrial User is a corporation; (2) A general partner or proprietor if the Significant Industrial User is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if (a) such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (b) the authorization is in writing and (c) the written authorization is submitted to the POTW.

2.1.35 Best Management Practices or BMPs. Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3.2 General Discharge Prohibitions (40 CFR 403.5(a)(1) and (b) and their successors thereto). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. **(Note: BMPs also include alternative means (i.e., management plans)**

of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.)

- 2.1.4 Beneficial Uses of Receiving Water. 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.
- 2.1.5 Biochemical Oxygen Demand. (or BOD) of wastewater, wastewater effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter (carbonaceous component) by aerobic biochemical action under standard laboratory procedures for five (5 days) at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with Section 4.6.2 of this Ordinance. This term is also expressed as carbonaceous biochemical oxygen demand or CBOD.
- 2.1.5.5 Biosolids. Means solid, semisolid, or liquid residue generated during the treatment or domestic sewage in a treatment works. Examples of biosolid include the following:
- (a) Scum or solids removed in primary, secondary, or advanced wastewater treatment processes.
 - (b) A material derived from biosolid.
 - (c) An industrial waste product that contains domestic sewage or material under (1) or (2) [subdivision (1) or (2)].

Biosolid does not include ash generated during the firing of biosolid in a biosolid incinerator or grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

- 2.1.6 Board. The Board of Public Works and Safety of the City of Auburn. It is the governing body of the municipal wastewater system of the City, which system is a publicly owned treatment works.
- 2.1.7 Building Drain. In plumbing, that part of the lowest horizontal piping within a building that conducts water, wastewater or storm water to a building sewer.
- 2.1.8 Building Sewer. The extension from the building drain to the public sewer or other place of disposal. (Also called the house connection).
- 2.1.9 Categorical Pretreatment Standards. National Pretreatment Standards, specify quantities or concentrations of pollutants or pollutant properties that may be discharged or introduced to a POTW by existing or new industrial user in a specific industrial subcategory, that are established by EPA, under section 307 (b) or 307 (c) of the Clean Water Act (33 U.S.C. 1317(b) or 33 U.S.C. 1317(c) as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N.
- 2.1.10 Categorical Industrial User. (or CIU) If you are a CIU, then you must comply with the categorical pretreatment standards specified in the federal

regulations and any local limits established by the POTW that receives your wastewater discharges.

2.1.11 Chemical Oxygen Demand. (or COD) of wastewater, wastewater effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The Laboratory determination shall be made in accordance with Section 4.6.2 of this Ordinance.

2.1.12 City. The City Auburn Indiana.

2.1.13 Combined Sewer. A sewer which carries storm water, surface runoff, or
groundwater infiltration in addition to sewage.

2.1.14 Compatible Pollutants. Wastewater having or containing (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) fecal coliform bacteria, or (e) additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the State or Board. It is further clarified that conventional pollutants as identified by the USEPA pursuant to Section 304(a)(4) of the Act in a form which causes interference with the POTW operations shall be considered non-compatible.

2.1.15 Constituents and Characteristics. (of wastewater) 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.

2.1.16 Control Authority. The City of Auburn.

2.1.17 Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

2.1.18 Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurement taken that day.

2.1.19 Debt Service Charge. A charge levied on users of the wastewater conveyance and treatment system to fund debt service on outstanding bonds and current capital costs.

2.1.20 Direct Discharge. When used without qualification, means a discharge of a pollutant.

2.1.21 Discharge of a Pollutant. Means any addition of any pollutant, or combination of pollutants, into any waters of the state from a point source in Indiana. The term includes, without limitation, additions of pollutants into waters of the state from the following:

(a) Surface run-off collected or channeled by man.

(b) Discharges through pipes, sewers, or other conveyances that do not lead to treatment works.

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

2.1.23 Equivalent Dwelling Unit (EDU). A single family residence situated upon a single lot and also the sewage contribution for that residence, being 310 gallons per day.

2.1.2325 Environmental Protection Agency, or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

2.1.2350 Existing Source. Any source of discharge that is not a "New Source."

Fats (wastes). Triglyceride esters of fatty acids. Erroneously used as synonymous with grease.

2.1.2 Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods. It is composed largely of putrescible organic matter, and its natural moisture.

2.1.25 Grab Sample. An individual sample, which is collected from a waste stream over a period of time not exceeding 15 minutes.

2.1.26 Grease and Oil. In wastewater, a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils, and certain other fatty materials. Water-insoluble organic compounds of plant and animal origins, or industrial wastes that can be removed by natural flotation skimming.

2.1.27 Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

2.1.28 Incompatible Pollutants. Any pollutants, which are not compatible pollutants.

- 2.1.29 Indirect Discharge. The discharge or the introduction of pollutants from any non-domestic source regulated. under Section 307(b), (c), or (d) of the Act, (33 U.S. C. 1317), into the POTW (including holding tank waste discharged into the system).
- 2.1.30 Industrial Pretreatment Bypass. Means an intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- 2.1.31 Industrial Pretreatment Program. A program administered by a POTW regulating discharges from industrial processes which has been approved by a Regional Administrator or State Director in accordance with state and/or federal law
- 2.1.32 Industrial User. Source of indirect discharge.
- 2.1.33 Industrial Wastes. Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the municipal wastewater system or ground from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water.
- 2.1.34 Infiltration. The groundwater entering the municipal wastewater system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.
- 2.1.35 Inflow. Water other than wastewater entering the municipal wastewater system from sources such as cellar, yard area, and foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street waters or drainage.

- 2.1.36 Inspector. A person authorized by the Board or the Superintendent to perform inspection and monitoring duties assigned to him by the Board or Superintendent.
- 2.1.37 Instantaneous 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.
- 2.1.38 Interference. Means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
 - (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- 2.1.39 Lateral Sewer. A public sewer that discharges into a branch or other sewer and has no other public sewer tributary to it.

- 2.1.40 Local Limit. Specific Discharge limits developed and enforced by The City of Auburn, Indiana upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).
- 2.1.41 May. “May” means that the act referred to is both permissible and approved.
- 2.1.42 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.
- 2.1.43 Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- 2.1.44 Monthly Average Limit. 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.
- 2.1.45 National Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance to Section 307 (b) and (c) of the Act which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
- 2.1.46 New Source.
- (a) A new source means any building, structure, facility or installation that is discharging or may discharge pollutants, and its construction commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act (33 U.S.C. 1317(c)) that will be applicable to the source, if those standards are thereafter promulgated in accordance with Section 307(c) of the Clean Water Act, provided one (1) of the following conditions is met:

- (i) The building, structure, facility, or installation is constructed at a site at where no other source is located.
- (ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
- (iii) The production of wastewater generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these processes are substantially independent, the following factors will be considered:
 - (AA) The extent to which the new facility is integrated with the existing plant.
 - (BB) The extent to which the new facility is engaged in the same general type of activity as the existing source.
- (b) 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 subsection (i) or (ii) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined in this section has commenced if the owner or operator has:
 - (i) begun, or caused to begin, as part of a continuous on-site construction program:

- (AA) any placement, assembly, or installation of facilities or equipment; or
- (BB) significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- (CC) entered into a building contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time.

Options to purchase, contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

2.1.43 NPDES Permit. National Pollutant Discharge Elimination System permit now or hereafter held by the City and setting forth conditions for the discharge of any pollutants or combinations of pollutants.

2.1.44 Non-Contact Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration and/or to which the only pollutant added is heat.

2.1.45 Normal Domestic Sewage. Sanitary wastewater discharged by residential users. (250 mg/L BOD and TSS). This term is also expressed as domestic wastewater.

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

- 2.1.47 Operation and Maintenance (O & M). All expenses related directly to the operating and maintaining, including replacement of the publicly owned treatment works as identified in the "Uniform System of Accounts for Wastewater Utilities" or as prescribed by the Indiana State Board of Accounts under the general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes.
- 2.1.48 pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in units. Measurement of pH shall be in accordance with Section 4.6.2 of this Ordinance.
- 2.1.49 Pass Through. Means a discharge which exits the POTW into waters of the State of Indiana 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 POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- 2.1.50 Person. Any individual, partnership, co-partnership firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- 2.1.51 Pollutant. Means, but is not limited to:
- (a) dredged spoil;
 - (b) incinerator residue;
 - (c) filter backwash;
 - (d) sewage;

- (e) garbage;
- (f) sewage sludge;
- (g) munitions;
- (h) chemical wastes;
- (i) solid wastes;
- (j) toxic wastes;
- (k) hazardous substances;
- (l) biological materials;
- (m) radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2011, et seq.);
- (n) heat;
- (o) wrecked or discarded equipment;
- (p) rock;
- (q) sand;
- (r) cellar dirt; and
- (s) other industrial, municipal, and agricultural waste; discharged into water.

2.1.52 Pollution. Specific impairment of water quality by agricultural, domestic, or industrial wastes (including thermal and radioactive wastes), to a degree that has an adverse effect upon any beneficial use of water.

2.1.53 Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state, other than by dilution, prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or

process changes or other means, except dilution, as prohibited by 327 IAC 5-18-4

(f).

2.1.54 Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on an industrial user.

2.1.55 Pretreatment Standards or Standards. Means:

- (a) state pretreatment standards as established in 327 IAC 5-18-8; and
- (b) pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2;
- (c) national categorical pretreatment standards incorporated by reference in 327 IAC 5-18-10.

2.1.56 Publicly Owned Treatment Works or (POTW). Means a treatment works as defined by Section 212(2) of the Clean Water Act owned by the state or a municipality (as defined by Section 502(4) of the Clean Water Act), except that it does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. The term includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or compatible industrial wastes. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality, as defined by Section 502(4) of the Clean Water Act, that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

2.1.57 POTW Treatment Plant. Means that portion of the POTW, which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

- 2.1.58 Public Sewer. A common sewer controlled by a governmental agency or public utility.
- 2.1.59 Receiving Stream. Cedar Creek and its tributaries within the City.
- 2.1.60 Residential Sprinkler Credit. In recognition that small individually-metered customers of the residential class (including only single family or duplexes) typically have a single service with a single meter for measuring water use, a sprinkler credit is given since the water used for lawn sprinkling does not get discharged to the sewage system. The summer (June, July, and August) sewer bill is computed based on water consumption readings from the nonsprinkling season (average of the previous January, February, and March). This adjustment is applicable to all single-family dwelling residential units on individual meters whether they are conventional site-built housing or manufactured housing.
- 2.1.61 Sanitary Sewage. Sewage such as, and having the characteristics of, normal domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories, or institutions, free from storm and surface water and industrial wastes.
- 2.1.62 Sanitary Sewer. A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions.
- 2.1.63 Sewage. Household and commercial wastewater that contains human waste. Distinguished from industrial wastewater, and further described as human excrement and gray water (household showers, dishwashing operations, etc.).
- 2.1.64 Sewage 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. This term is also expressed as municipal wastewater system or wastewater collection system.

- 2.1.65 Sewer. A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein.
- 2.1.66 Shall. “Shall” means the act referred to is mandatory.
- 2.1.67 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 municipal wastewater system, with no particle being greater than one-half (1/2) inch in dimensions
- 2.1.68 Significant Industrial User.
- (a) Except as provided in subsection (b), means the following:
 - (i) Industrial users subject to categorical pretreatment standards under 327 IAC 5-18-10.
 - (ii) An industrial user that:
 - (AA) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the POTW;
 - (BB) contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(CC) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential to:

- (1) adversely affect the POTW's operation;
- (2) violate a pretreatment standard; or
- (3) violate a requirement of 327 IAC 5-19-3.

(b) A control authority may, on its own initiate or in response to a petition received from an industrial user or a POTW and in accordance with 327 IAC 5-19-3(6), determine that an industrial user is not a significant industrial user if it does not meet subsection (a)(2)(C).

2.1.69 Slug. Means any discharge, including but not limited to spill or non-customary batch discharge, of such characteristics (including flow rate, pollutant concentration, and/or volume) which may cause Interference and/or Pass Through to the POTW; or which may alone or in conjunction with a discharge or discharges from other sources, cause a hazard to human life (including POTW workers) or create a public nuisance.

2.1.70 State. State of Indiana

2.1.71 Standard Industrial Classification (SIC). Means the standard industrial classification application to a particular industrial activity in accordance with the Standard Industrial Classification Manual published by the Office of Management and Budget of the Executive Office of the President of the United States.

2.1.72 Standard Methods. An assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment ("Standard Methods for the Examination of Water and Wastewater") published jointly by the American

Public Health Association, American Water Works Association and the Water Pollution Control Federation.

- 2.1.73 Storm Sewer. A sewer intended to carry only storm waters, surface runoff, street wash waters, non-contact cooling water and drainage.
- 2.1.74 Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- 2.1.75 Superintendent. The person designated by the Mayor to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- 2.1.76 Surcharge. An extra monetary charge imposed on flows into the wastewater collection system when BOD or TSS concentrations (or concentrations of other parameters as may be determined from time to time by the Board) exceed those commonly found in normal domestic sewage (250 mg/L BOD or 250 mg/L TSS).
- 2.1.77 Suspended Solids. Solids which either float on the surface of or are in suspension in water, wastewater or other liquid or which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with Section 4.6.2 of this Ordinance.
- 2.1.78 Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a)(1) of the Act.
2. 1.79 Upset. Means an exceptional incident in which there is an unintentional and temporary noncompliance with the effluent limitations of this ordinance because of factors beyond the reasonable control of the discharger. An upset does not

include noncompliance to the extent caused by operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance, or careless or improper operations.

2.1.80 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 municipal wastewater system, any substance whatever.

2.1.81 User Charge. A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including) replacement of such works.

2.1.82 Waste. Sanitary wastewater 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.

2.1.83 Wastewater. The water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

2.1.84 Wastewater Treatment Plant. Any arrangement of devices and structures used by the City for treatment and disposing of wastewater, biosolids, and other wastewater constituents and products.

2.2 Abbreviations.

The following abbreviations shall have the designated meanings:

BOD Biochemical Oxygen Demand (BOD)

CFR Code of Federal Regulations

COD	Chemical Oxygen Demand
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
ppm	parts per million
TSS	Total Suspended Solids

2.3 Bylaws and Regulations of the Board of Public Works.

The Board of Public Works 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 wastewater system and wastewater treatment plant and for the construction and use of building (or house connection) sewers and connections to the municipal wastewater system, which regulations may include limitations of or prohibition of introduction of or infiltration by storm water, surface water, and ground water into the municipal wastewater system; and a schedule of initial connection charges to recover capital costs of new sewers installed for the particular new customer, and a capital cost recovery schedule for customers outside the City to include capital investment in existing or contribution in aid of construction for future treatment capacity.

2.4 Administrative Orders.

The Board of Public Works or its designee may issue to any User orders as deemed by the Board or its designee to be necessary in order to achieve and/or

maintain compliance with the requirements and provisions of this Ordinance or a permit issued by the Board.

2.5 Confidential Information.

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or confidential information.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or confidential information shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report.

2.6 Wastewater quantities, constituents and characteristics will not be recognized as confidential information.

Notwithstanding anything in the paragraph immediately above, information accepted by the City as confidential, shall not be transmitted to any governmental agency (except US EPA) or to the general public by the City without User's written permission, and when so transmitted, it shall be done so under the

protective provisions of 320 IAC 6 for submissions made to the Indiana

Department of Environmental Management, and the exclusionary provisions of the "Freedom of Information Act" (FOIA), 5USC 522 (b)(4) for submissions made to any federal agency.

US EPA shall have immediate and unlimited access to all information compiled as part of the Pretreatment Program, including confidential documents.

2.7 Damaging, Defacing, etc. Publicly Owned Treatment 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 wastewater system.

2.8 Tampering with Effluent Monitoring Station.

It shall be a violation of this Ordinance for any person to tamper with or modify any pump, valving appurtenance, flow control section, meter or sampling equipment so as to have the effect of rendering inaccurate any meter or other monitoring equipment.

ARTICLE III
REGULATIONS

3.1 Applicability.

This article shall apply to all classes of users, connections, customers, and situations.

3.2 General Discharge Prohibitions.

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause Pass Through or Interference to the POTW. These general prohibitions apply to all such Users of a POTW whether

or not the User is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

- (a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to create a fire or explosion hazard in the POTW, including, but not limited to wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21. In addition, at no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the substance measured. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.
- (b) Solid, viscous or other substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from

refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

- (c) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass through.
- (d) Any wastewater having a pH greater than 10.0 more than 1% of the time each month or for a period exceeding 30 minutes; or wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW; or, in no case, any discharges with pH lower than 5.0. POTW may require continuous documentation of compliance through pH strip chart recordings.
- (e) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to cause Interference with POTW, injure or constitute a hazard to human or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in the applicable Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- (f) Any substance which would either singly or by interaction with other wastes result in the presence of noxious, or malodorous gases, vapors, or fumes within the POTW in a quantity sufficient to create a public nuisance or hazard to life or to prevent entry into the sewers for maintenance, repairs, inspections, or monitoring.
- (g) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, biosolids, or scums, to be unsuitable for

reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with biosolids use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the biosolids management method being used.

- (h) Any substance, which may cause the POTW to violate its NPDES Permit.
- (i) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- (j) Any wastewater having a temperature which will inhibit biological activity in the POTW Treatment Plant resulting in Interference, but in no case wastewater causing the temperature at the introduction into the POTW treatment plant to exceed 40°C (104°F).
- (k) Any pollutant, including oxygen-demanding pollutant (BOD, etc.) released at a flow rate and/or pollutant concentration, which will, either singly or by interaction with other pollutants, cause Interference with POTW. In no, case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities or flow during normal operation.

- (l) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
- (m) Any wastewater, which, either alone or by interaction with other substances, causes a hazard to human life or creates a public nuisance, or is deleterious to the POTW.
- (n) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent.
- (o) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
- (p) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.
- (q) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (r) Detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.

3.3 National Categorical Pretreatment Standards.

Upon the promulgation of National Categorical Pretreatment Standards for a particular industrial subcategory, the National Pretreatment Standard, if more stringent than limitations imposed under this Ordinance for sources in that category, shall immediately supersede the limitations imposed under this Ordinance. Therefore, the National Categorical Pretreatment Standards located in

40 CFR, Chapter I, Subchapter N, Parts 405-471, are hereby incorporated into this Ordinance.

3.4 Modification of National Categorical Pretreatment Standards.

Where the City's wastewater treatment system achieves consistent removal of pollutants limited by National Categorical Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the National Pretreatment Standards. "Consistent Removal" shall mean the average reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent as shown by the lowest 50% of the samples taken according to the procedures set forth in Section 403.7(c)(2) of 40 CFR 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The City may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

3.5 Specific Pollutant Limitations.

No person shall discharge wastewater containing in excess of:

Constituent	Maximum Daily Discharge (milligrams per liter)	Average Monthly Discharge (milligrams/liter)
Arsenic	1.2	0.6
Cadmium	1.1	0.6
Copper	0.2	0.1
Lead	1.1	1.1
Mercury	0.04	0.04

Nickel	20	10
Silver	0.5	0.5
Total Chromium	18.0	18.0
Zinc	10	5
Cyanide	0.8	0.4

3.6 State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

3.7 City's Right of Revision.

The City reserves the right to establish, by ordinance or permit, more stringent limitations or requirements on discharges to the municipal wastewater system if deemed necessary to comply with the objectives of this Ordinance.

3.8 Dilution Prohibition.

No User shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Requirement or Standard.

3.9 Admissibility - Prohibition of Unpolluted Waters.

Unpolluted water, including, but not limited to, City water, noncontact cooling water, or blowdown shall not be discharged through direct or indirect connection to the municipal wastewater system for purposes of diluting wastewater in order to reduce sewer rates or charges of the user.

3.10 Grease, Oil and Sand Interceptors.

Such interceptors shall be provided at (a) all restaurants, and at (b) all industrial or commercial enterprises when, in the opinion of the City, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the City and shall be readily and easily accessible for cleaning and inspection.

3.11 Right to Reject Waste.

The City shall have the right to reject waste and prohibit the introduction of rejected waste into the municipal wastewater system, or the City may require pretreatment of the waste when the strength or character of the waste is such that it could cause damage to or interfere with the operation of the municipal wastewater system.

3.12 Spills and Slug Discharges.

- (a) Any user with potential spill or slug discharges shall provide protection from spills or slugs discharges, which may cause Pass Through or Interference. Any User with spill or slug discharge potential shall develop slug discharge prevention/control plans which meet the approval of the City and implement the approved plan. Facilities necessary to implement these plans shall be provided and maintained at the User's expense. Such plans shall contain, at a minimum, the following elements:
- (i) Description of discharge practices, including nonroutine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the POTW of spills or slug discharges, including any discharge that would violate a

prohibition under Article III, with procedures for follow-up written notification within five days;

- (iv) If necessary, procedures to prevent adverse impact from slug discharges or spills, including 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 responses.

Such plans shall be revised and updated whenever plant operational changes affect the validity of the plans, but in any case not less often than every three (3) years. Failure to comply with this requirement may result in legal remedies as defined in Section 5.5. Any significant plan revisions including revisions involving construction/installation of new facilities, shall be approved by the City prior to implementation of such revisions. The City's review and approval of such plans (including any facilities and/or operating procedures) shall not relieve the User from the responsibility to modify such plans as necessary to maintain compliance with applicable federal, state, and local regulations. In addition, City's approval of such plans shall not relieve the User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

No prospective User that would have slug discharge or spill potential may commence discharge to the POTW unless slug discharge prevention/control plans have been approved by the City.

- (b) Notice to Employees: 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 hazardous waste discharge. Employer's or User's shall insure that all employees who may cause or suffer such a hazardous waste discharge to occur are advised of the emergency notification procedure.

3.13 Industrial Pretreatment Bypasses: [refer also to 4.4.5]

- (a) Any industrial pretreatment bypass is allowable which does not cause a violation of this ordinance, but only if such bypass is to allow for essential maintenance to assure efficient operation.
- (b) Any industrial pretreatment bypass is prohibited which does not meet the conditions specified in (a)(1) above is prohibited unless approved in advance by the City. The City may consider approving an industrial pretreatment bypass if all of the following conditions are met:
- (i) Such bypass would be unavoidable to prevent loss of life, personal injury or severe property damage. As used here, "severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of such a bypass. As used here, severe property damage does not mean economic loss caused by delays in production.

- (ii) There would be no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent such a bypass from occurring during normal periods of equipment downtime or preventative maintenance.
- (iii) The industrial discharge complied with notification requirements as specified in section 4.3.5.
- (c) With any prohibited bypass, the Industrial User must comply with notification requirements as specified in section 4.3.5.

3.14 Compliance Schedules.

Any User which is not in compliance with the City's ordinance limitations and/or requirements must develop a compliance schedule of corrective measures to be taken in order to return to compliance. This schedule shall be submitted to the City for review and approval. If an approvable schedule is not submitted by the User, the City may develop and enforce a schedule for the User. For compliance schedule reporting requirements refer to 3.17.3. This schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional facilities required for the discharger to comply with this ordinance, including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary

plans, completing final plans, executing contracts for major components, commencing construction, completing construction and all other acts necessary to achieve compliance with this ordinance.

3.15 Duty to Comply.

All Users shall comply with all applicable State and federal pretreatment regulations.

3.16 Duty to Mitigate - Prevention of Adverse Impact.

All Users shall take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this ordinance, which has a reasonable likelihood of adversely affecting human health, the POTW, the waters receiving the POTW's discharge, or the environment.

3.17 Reporting Requirements.

3.17.1 Hazardous Waste Notification.

- (a) Any Industrial User, except as specified in subpart (e) below, which discharges to the POTW any substance which, if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR part 261, shall notify the POTW in writing of such discharge.
- (b) All hazardous waste notifications shall include:
 - (i) The name of the hazardous waste as set forth in 40 CFR part 261;
 - (ii) The EPA hazardous waste number;
 - (iii) The type of discharge (continuous, batch, or other); and
 - (iv) A certification that the user 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.

- (c) In addition to the information submitted in section 3.17.1(b), Industrial Users discharging more than 100 kg of hazardous waste per calendar month to the POTW shall maintain to the extent such information is known and readily available to the Industrial User;
- (i) An identification of the hazardous constituents contained in the waste;
 - (ii) An estimation of the mass and concentration of such constituents in the wastestream and discharged during that calendar month; and
 - (iii) An estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.
- (d) Industrial Users commencing the discharge of listed or characteristic hazardous wastes shall, in addition to complying with 3.17.3, provide the notification no later than 180 days from the discharge of the wastes. Any notification under this provision need be submitted only once for each hazardous waste discharged, although notifications of changed discharges must be submitted under section 3.17.3 of this Ordinance.
- (e) Industrial Users are exempt from the hazardous waste notification requirement during a calendar month in which they discharge 15 kg or less of non-acute hazardous wastes. Discharge of any quantity of acute hazardous waste as specified in 40 CFR 261.30 (d) and 261.33 (e) requires a one-time notification.

3.17.2 Notification of Changed Discharge. All Industrial Users shall notify the POTW within 48 hours in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic

hazardous wastes for which the Industrial User has submitted initial notification as required in Section 3.17.1 of this Ordinance.

3.17.3 Periodic Compliance Reports. All Users subject to compliance schedules (see Section 3.14 of this Ordinance) must submit a progress report to the City no later than fourteen (14) days following each date in the compliance schedule. This report must include whether it complied with the increment of progress to be met on that date, the reason for delay if the date was not met, and the steps being taken to return to compliance. In no event, can more than nine (9) months elapse between progress reports.

3.17.4 Signatory Requirements. All reports required by the City shall be signed and certified by an Authorized Representative of the discharger. See requirements of Section 4.4.4.

3.17.5 Reports of Spills, Slug Discharges and Operation Upsets. The User shall immediately, telephone and notify the Superintendent of any spill, slug discharge, or operation upset. The notification shall include location of discharge, type of waste, concentration and volume and corrective actions.

Written Notice. Within five (5) days following such an incident the User shall submit to the Superintendent a detailed written report under oath and signed by the User describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

Following such incident, the User may be required by the City to appear before the Board and provide a full explanation of the discharge and of steps being taken to prevent its recurrence.

3.17.6 Noncompliance. Any User shall notify the City immediately after becoming aware of any discharge of such User which constitutes a violation of this Ordinance.

3.18 Discharger's Request for Interpretation.

In an effort to assure fuller understanding of and compliance with the goals and objectives of this Ordinance, it shall be the privilege of any interested party to request, in writing an interpretation or ruling by the Superintendent on any matter covered by this municipal ordinance.

3.19 Combined Sewers.

3.19.1 Prohibition of New Combined Sewer Construction. The construction of new combined sewers is hereby prohibited.

3.19.2 New Construction Tributary to Existing Combined Sewer. New construction tributary to the combined sewer shall be designed to minimize inflow and infiltration contribution to the existing combined sewer. For any new construction see Section 3.19.1.

ARTICLE IV ADMINISTRATION

4.1 Applicability.

This Article shall apply only to users that are subject to Industrial Pretreatment Program requirements.

4.2 Wastewater Dischargers.

It shall be unlawful to discharge without an NPDES permit to any natural outlet, including groundwater, within the City of Auburn. It shall also be unlawful to direct discharge without notification to the City in any area within the corporate limits of the City. It shall also be unlawful to discharge to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Ordinance.

4.3 Wastewater Discharge Permits.

4.3.1 General. All Significant Industrial Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW, and shall apply for such permit at least 90 days prior to the proposed discharge to the POTW.

4.3.2 Permit Application. Users required to obtain a Wastewater Discharge Permit shall complete and file with the City of Auburn Wastewater Treatment Utility, an application in the form prescribed by the Board, and accompanied by a fee as follows:

Permit Fee	
Initial Significant Industrial User Permit	\$500.00
Renewal Significant Industrial User Permit	\$250.00

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

- (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;

- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the city and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (c) Effluent limits based on applicable Pretreatment Standards;
- (d) 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;
- (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and REquiremetns, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- (f) Requirements to control Slug Discharge, if determined by the City to be Necessary;
- (g) Name, address, and location, (if different from the plant address);
- (h) Standard Industrial Classification (SIC) number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (i) Wastewater constituents and characteristics including but not limited to those mentioned in Section 3.4 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with Section 4.6.2 of this Ordinance;
- (j) Time and duration of contribution;
- (k) Average daily and estimated 30 minute peak wastewater flowrates, including daily, monthly and seasonal variations if any;

- (l) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation and a current water use schematic;
- (m) Description of activities, facilities and plant processes on the premises, including all materials, which are or could be discharged;
- (n) Basis of Design of the pretreatment facility including, where applicable:
- (i) Design Loading
 - average
 - peak
 - future
 - (iv) Rationale for process selection.
 - (v) Design calculations for sizing of tanks, pumps, piping and other treatment appurtenances.
 - (vi) Calculation of predicted effluent quality and loading under normal and peak operating conditions.
- (o) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, State or Federal Categorical Pretreatment Standards including any listed or characteristic hazardous wastes as defined in federal regulations [40 CFR 261] and a Statement regarding whether or not the 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 for the User to meet applicable Pretreatment Standards;
- (p) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will

provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
 - (ii) No increment referred to in paragraph (1) shall exceed 9 months.
 - (iii) No later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Superintendent.
- (q) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

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- (r) Each product and/or byproduct produced by type, amount, process or processes and rate of production;
- (s) Type and amount of raw materials processed (average and maximum per day)
- (t) List of any environmental control permits held by or for the facility;
- (u) Any other information as may be deemed by the City to be necessary to evaluate the permit application.
- (v) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 4.4 of this ordinance.

Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the (Superintendent) or the applicable Standards to determine compliance with the Standard.

- 4.3.3 Permit Modifications. The terms and conditions of the permit may be subject to modification by the City during the term of the permit as limitations or requirements as identified in Article III are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Within 9 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by 4.3.2., the User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the Applicable Federal Categorical Pretreatment Standard. In

addition, the User with an existing Wastewater Discharge Permit shall submit to the Superintendent within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Section 4.3.2.

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

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities, and for providing entry for sampling and inspection.
- (e) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting, schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City, and affording City access thereto;

- (i) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, including listed or characteristic hazardous wastes;
- (j) Requirements for notification of spills or slug discharges (as per 3.17.5) or upsets or violations;
- (k) Requirements for installation, operation and maintenance of pollution control equipment;
- (l) Requirements to develop and implement spill and slug prevention/control plans;
- (m) Other conditions as deemed appropriate by the City to ensure compliance with this Ordinance and State and Federal pretreatment standards and requirements.
- (n) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.

4.3.5 Permits Duration. Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for permit reissuance a minimum of 90 days prior to the expiration of the User's existing permit.

4.3.6 Continuation of Expired Permit.

An expired permit will continue to be effective and enforceable until the permit is reissued if:

- (a) The permittee has submitted a complete permit application at least 90 days prior to the expiration date of the user's existing permit.
- (b) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

4.3.7 Permit Transfer. Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the City. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. The City must receive notice of all transfers within 5 business days of said transfer.

4.3.8 Records Retention. All information, records, reports, books, etc, required pursuant to Industrial Wastewater Discharge Permit whether prepared by or on behalf of the discharger, shall be retained and preserved by such discharger for a minimum period of three (3) years from the time of their creation. All records which pertain to matters which are the subject of any enforcement or litigation shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitations with respect to any and all appeals have expired. This period of retention shall also be extended when requested by the EPA, Indiana Department of Environmental Management, or the City. All documentation associated herewith shall be subject to Best Management Practices.

4.4 Reporting Requirements for Permittee. (in addition to those specified in 3.17)

4.4.1 Self-Monitoring Reports. This requirement calls for the submission of all notices and self-monitoring reports from Significant Industrial Users that are necessary to

assess and assure compliance by Significant Industrial Users with applicable pretreatment standards and requirements. These reports will normally be required on a monthly basis and must be certified and signed as required in 4.4.4.

- (a) Resampling Requirement. If sampling performed by the User indicates a violation, the User shall notify the City immediately after becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation.
- (b) Additional Self-Monitoring. If an Industrial User subject to reporting requirements monitors any pollutant more frequently than required by Control Authority, using procedures established by 40 CFR 136, the results of this monitoring shall be included in the report.
- (c) In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by (the Superintendent) or the Pretreatment Standard necessary to determine the compliance status of the User.

4.4.2 Baseline Monitoring Report. Within one hundred eighty (180) days after the effective date of a Categorical Pretreatment Standard, existing industrial Users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW will be required to submit to the City a report containing the information listed in paragraphs (b) (1) through (7) of 40 CFR 403.12, as follows:

- (a) identifying information,

- (b) applicable permits,
- (c) description of operations,
- (d) flow measurement,
- (e) measurement of pollutants,
- (f) certification statement,
- (g) compliance schedule

Baseline Monitoring Report must be signed and certified as required in 4.4.4.

Upon promulgation of a Categorical Pretreatment Standard the City will provide the appropriate form for distribution to the Industrial Users who are affected by the promulgated standard. The Industrial Users are then required to submit the completed report to the City.

4.4.3 90-Day Compliance Reports.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source subject to such pretreatment standards and requirements the Industrial User shall submit to the Superintendent a report containing the information described in 4.4.2 (a)-(g) 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 4.3.4 of this Ordinance.

4.4.4 Signatory Requirements and Certification.

Self Monitoring Reports, Baseline Monitoring Reports, Periodic Compliance Reports, and 90 day Compliance reports must be properly signed and submitted with a certification statement, as follows:

(a) 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.

(b) Signatory Requirements.

- (i) By an individual as defined in Section 2.1.3.
- (ii) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For purposes of this paragraph, a responsible corporate officer means (1) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or (2) the manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having

gross annual sales or expenditures exceeding \$25 million if

authority to sign documents has been assigned or delegated to the manager in accordance to corporate procedures.

- (iii) By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship respectively.
- (iv) By a duly authorized representative of the individual designated in paragraph (i) or (ii) of this section if:
 - (AA) The authorization is made in writing by the individual described in paragraph (i) or (ii).
 - (BB) The authorization specifies either the individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (CC) The written authorization is submitted to the Control Authority.
- (iv) If an authorization under paragraph (b)(iii) is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the

Control Authority prior to or together with any reports to be signed
by an authorized representative.

4.4.5 Reports of Industrial Pretreatment Bypasses.

(a) Anticipated Industrial Pretreatment Bypasses. [Refer also to 3.13] If an Industrial User knows in advance of the need for an industrial pretreatment bypass, it shall submit prior notification to the City, if possible, at least ten days before the date of such bypass.

(b) Unanticipated Industrial Pretreatment Bypasses.

An Industrial User shall notify the City of an unanticipated industrial pretreatment bypass that causes a violation of this ordinance. The notification shall include the following:

- (i) Oral notice to the Superintendent of the Wastewater Treatment Plant immediately after the Industrial User becomes aware of the need for such bypass.
- (ii) A written report within five days of the time the Industrial User becomes aware of such bypass. This report shall specify the following.
 - (AA) A description of the bypass, the cause thereof, and the bypass's impact on any limits;
 - (BB) The amount/volume and duration of the bypass, including exact dates and times;
 - (CC) If the bypass has not been corrected, the anticipated time it is expected to continue;

(DD) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

(iii) The City may waive the written report if the oral notice has been received as specified above.

(c) Industrial Pretreatment Bypasses Not Subject to Notification Requirements.

Industrial pretreatment bypasses not subject to the notification requirement as specified in items 4.3.5. (a) and (b) above include only any such bypass, which does not cause violation of this ordinance, but only if such bypass is to allow for essential maintenance to assure efficient operation.

4.5 Monitoring Facilities.

4.5.1 Methods for Measurement of Industrial Wastes Flow.

Any Significant Industrial User (SIU) who, on the effective date of these regulations, is discharging industrial waste to the POTW shall provide the City independent access means and facilities for the purpose of observation, measurement and sampling of such industrial waste. If such access means and facilities are not otherwise available, the SIU shall construct and maintain a control manhole at the SIU's expense. The City shall have full access at all times to the SIU's monitoring facility or facilities to conduct tests on quality and quantity of effluent. The volume or quantity of industrial waste discharged by any SIU into the POTW may be measured by one or more of the following methods:

(a) If the volume of water used by any SIU in its industrial or process operations is greater than 85% of the volume obtained from the City, then

the volume of water purchased from the City shall be considered to be the volume of waste discharged;

- (b) If the volume of water used for industrial purposes is less than 85% of the volume of water obtained from the City, then the quantity of industrial wastes generated by an SIU shall be determined as follows:
 - (i) By a meter or meters on the water supply line or lines to the SIU's industrial and/or process operations; or
 - (ii) By a meter or meters on the waste line or lines from the SIU's industrial and/or process operations.
- (c) If any SIU now discharging or proposing to discharge industrial waste to the POTW does not obtain its entire water supply requirements from the City, the SIU shall install and maintain a meter or meters on the waste line or lines from its industrial and/or process operations or shall install such additional meters on the private water supply as required to permit a determination of the total amount of discharge to the sewers from all sources under procedures comparable to Subsections (a) and (b) above.

4.5.2 Location of Monitoring Facilities.

The City may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical for purposes of providing for independent and unscheduled monitoring activities or cause undue hardship on the User, allow the

facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications, and such sampling and monitoring facilities shall be constructed and maintained in such a manner so as to enable City personnel to perform independent and unscheduled monitoring activities.

4.6 Inspection and Sampling.

The City shall inspect the facilities of any User to ascertain whether the purposes of this Ordinance are being met and all requirements are being met. Owners or occupants of premises where wastewater is created or discharged shall allow the City or the City's representative ready access at all times of operation to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The City, Approval Authority, and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force, which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that

upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities. Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this ordinance.

4.6.1 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 DeKalb Circuit or Superior Court.

4.6.2 Sample Analyses.

All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other sampling and analytical procedures approved by EPA.

4.7 Pretreatment.

Significant Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as

specified by the Federal Pretreatment Regulations. A New Source Significant Industrial User must install and have in operating condition, and shall "start up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge. Such New Source must meet all applicable Pretreatment standards and requirements in the shortest time, not to exceed 90 days after the start of discharge. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the User's expense.

4.7.1 Design Plans.

Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction of the facility. The City's review and acceptance of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent meeting National Categorical Pretreatment Standards and acceptable to the City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the User's initiation of the changes.

4.7.2 Facilities Operation.

Industrial Users shall, at the User's expense, at all times maintain in good working order and operate as effectively as possible all pretreatment/control facilities or systems installed or used by the User to achieve compliance with the terms and conditions provided for and in accordance with the requirements set forth by this

Ordinance. Such facilities shall at all times be accessible to inspection by the City.

ARTICLE V
ENFORCEMENT

5.1 Applicability.

The Article shall apply only to Users that are subject to Industrial Pretreatment Program requirements.

5.2 Suspension of Service.

The City, by and through its Board of Public Works or the Superintendent, may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the City, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the City to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order or if otherwise deemed necessary by the City, the City shall take such steps as the City deems necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The City shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non complying discharge. A detailed written statement

submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within 15 days of the date of occurrence.

5.3 Revocation of Permit.

Any User, who violates the following conditions of this Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures set forth herein.

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

5.4 Notification of Violation.

Whenever the City finds that any User has violated or is violating this Ordinance, wastewater discharge permit, or any prohibition, limitation or requirements contained herein, the City may serve upon such person a written notice stating the nature of the violation and requiring submission by the User to the City within a specified time a written response including corrective measures taken and/or planned to prevent recurrence of the violation.

5.5 Show Cause Hearing.

- (a) The City may order any User who violates a condition of this Ordinance or their permit to show cause before the Board why a proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held by the Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 (ten) days before the hearing. Service may be made on any agent or officer of a corporation.
- (b) The Board may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the City Legal Department to:
- (i) Issue in the name of the Board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (ii) Take the evidence;
 - (iii) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.
- (c) At any hearing held pursuant to this Ordinance, testimony must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

- (d) After the Board has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless the User has returned to compliance of this Ordinance, their permit, and/or orders and directives issued by the City. Further orders and directives as are necessary and appropriate may be issued.

5.6 Legal Action.

- (a) Industrial User shall be liable for any and all damages, losses and expenses sustained by the POTW as a result of noncompliance by Industrial User. The City Attorney may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this county to obtain remedies for noncompliance by Industrial User with any Pretreatment Standard or Requirement.
- (b) 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 DeKalb Circuit or Superior Courts, through the City 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.

5.7 Publication of Violations.

The City shall at least annually publish in the newspaper of general circulation having the largest circulation within the city a list of the Users, which, at any time during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment requirements. A User is in significant noncompliance if its violation meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of all the measurements taken for each pollutant parameter during a six month period exceed (by any magnitude) the numeric pretreatment standard or the average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violations defined as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the numeric pretreatment standard multiplied by the applicable factor (factor = 1.4 for BOD, TSS, fat, oil, and grease; and 1.2 for all other pollutants, except pH);
- (c) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of City personnel or the general public);

- (d) Any discharge of a pollutant that caused imminent endangerment to human health, welfare or to the environment or has resulted in the City's exercise of its emergency authority under Section 5.1 of Article V to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within 30 days after the due date, required reports such as baseline monitoring reports, 90 day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violations, which may include a violation of Best Management Practices, which the City determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE VI
PENALTIES/COSTS

6.1 Applicability.

This Article shall apply only to Users that are subject to Industrial Pretreatment Program Requirements.

6.2 Administrative/Civil Penalties.

Any User who is found to have violated an Order of the Board or failed to comply with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder, may be fined not less than Five Hundred Dollars

(\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the City may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder.

6.3 Falsifying Information.

Any person who makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required under this Ordinance, shall, upon judgment, be punished by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

ARTICLE VII
CONNECTION TO MUNICIPAL WASTEWATER SYSTEM

7.1 Privies, Septic Tanks, Cesspools, etc.

A person shall not construct or maintain a privy, septic tank, cesspool, dry well other facility intended or used for the disposal of wastewater; except that existing septic tank systems and absorption fields may be repaired and maintained in accord with applicable laws and ordinances.

7.2 When Connection to the Municipal Wastewater System is Required.

Any person constructing a new house or other building for occupancy, employment, recreation, industrial or commercial activity within the City and abutting on any street, alley or easement in which there is now located a public sanitary or combined sewer, or along or across which there is access to such a sewer, must connect to such sewer in accordance with applicable ordinances and regulations, and shall not discharge wastewater elsewhere than into the sewage system.

7.3 Construction of Building Sewers.

The size, shape, alignment, materials of construction of a building 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.

7.3.1. Separate Sewer Requirements.

A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

7.3.2 Use of Old Building Sewer for a New Building.

Old building sewers may be used in connection with new buildings only when they are determined, upon examination and test by the representative of City Engineer, to meet all requirements of this Ordinance.

7.3.3 Elevation and Location of Building Sewer.

Whenever reasonably possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the appropriate public sewer, wastewater carried by such building drain shall be lifted by an appropriate means and discharged to the building sewer.

7.3.4 Connection of Downspouts, Drains, etc.

No person shall hereafter connect any new roof downspouts, footing drains, areaway drains, driveways, parking lots, or other sources of surface, runoff or groundwater, or single pass non-contact cooling water to a building sewer or building drain which is in turn connected directly or indirectly to the municipal wastewater system. Further, the Board reserves the right to require present users to disconnect, at user's expense, existing sources of such inflow where such disconnection is technically and economically feasible.

7.3.5 Inspection, Supervision of Connection.

The applicant for the building sewer permit shall notify the Superintendent of the Water Pollution Control Department or his designated representative when a building sewer is ready for inspection and connection to the municipal wastewater system. The connection shall be made under the observation of the representative of Superintendent of the Water Pollution Control Department using materials and techniques conforming to the requirements of the Board. The applicant shall give notice before the burial or covering of the building sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved. A fee for the inspection shall be paid to the Department of Building, Planning and

Development at the time of the application for the inspection, in accordance with the fee schedule in Section 10.12.1.

7.4 Right to Prohibit New Connections.

The City shall have the right to prohibit new connections when the capacity of the municipal wastewater system is deemed insufficient by the Board to accommodate the expected flow, BOD and/or suspended solids loading from the prospective sewer user.

7.5 Extensions Outside City Limits.

If a location is outside the City corporate limits but within four (4) miles of such limits and within the facility planning area of the City's POTW, then the City may extend wastewater service to any such location, providing for payment of capital cost expenditures of any such extension through the applicable Barrett Law procedures, contract with the property owners or by contract with those directly benefited by such extension. Any such contract for extension of services shall be entered into between the City by its Board of Public Works and the property owner upon such terms and conditions as may be deemed necessary by such Board, and shall include an agreement by the property owner to waive any and all right to challenge any future attempted annexation of the subject property by the City, and shall provide for the payment of sewer user, connection, and inspection fees in accordance with Article X.

ARTICLE VIII
PRIVATE WELLS

8.1 Registration of Wells.

Every owner or occupant of real estate within the corporate limits of the City of Auburn, or real estate from which there is a building sewer or other means or path of direct or indirect flow into the municipal wastewater system, shall, on a form provided by the Board, report the existence of any well on the real estate to the City Engineer. 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 on said real estate of such well, the size of the well pipe, the size (voltage, amperage and horsepower) of the well pump motor, and the purpose for which the well water is used by the owner, occupant or others.

8.2 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 wastewater entering the sewage 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. It shall further be a violation of this Ordinance for any person to tamper with or modify any pump on any such well so as to render inaccurate the meter on such well. 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.

8.3 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.

8.4 Well Digging.

A person shall not hereafter dig or drive a well within the City limits without first making application therefor to the Department of Building, Planning and Development in the form and manner prescribed in the Auburn City Code Section 53.081 as from time to time amended. The failure to file such application shall be a violation of this Ordinance.

ARTICLE IX
WASTEWATER MONITORING

9.1 Applicability.

This Article shall apply only to Users that are subject to Industrial Pretreatment Program requirements.

9.2 Surveillance of Significant Industrial Users.

To establish a feasible Surveillance schedule, the following self-monitoring estimated frequencies are established:

(a) City Monitoring:

- (i) Minimum of one (1) scheduled monitoring event per year to include site inspection, records review and sampling.
- (ii) Minimum of one (1) unscheduled monitoring event per year to include site inspection, records review and sampling.

- (iii) Demand monitoring to consist of site inspection, records review and seven (7) consecutive days of sampling to be performed when warranted in the opinion of the Board in response to a known or suspected violation discovered in a self-monitoring report, routine sampling trip, or by public complaint or any discharge of prohibited material.
- (b) Self-monitoring:
 - (i) As required for National Categorical Pretreatment Standard Compliance monitoring.
 - (ii) As established in Significant Industrial User Wastewater Discharge Permit, but in any case, not less than the total minimums set forth below at 9.1 (c), unless expressly approved by the Board.
- (c) Minimum Monitoring Frequency Guidelines for Case-by-Case Permit Requirement.

Industry Flow (average gallons per day)	Monitoring Frequency
0 - 25,000	Once every twelve months
25,001 - 50,000	Once every three months
50,001 – 100,000	Once a month
greater than 100,000	Two times a month at least 15 days apart

The City may conduct, for the Significant Industrial Users, some or all of the required User monitoring. The City may require more frequent monitoring based on potential degree of impact on the POTW, variability in types or amounts of pollutants discharged, or concentration or loading of conventional pollutants, or to ascertain continued compliance.

9.3 Surveillance Survey Charge.

The charge for each surveillance survey shall be based on the cost of sample collection, analysis and reporting as well as site inspection and records evaluation costs.

The Board is hereby empowered to review on an annual basis the actual costs versus charges for surveillance and to adjust charges accordingly to achieve cost reimbursement.

9.4 Monitoring of Significant Industrial Users.

A Significant Industrial User shall install at its own expense monitoring facilities as required hereinabove in Section 4.5, unless said Significant Industrial User can demonstrate to the Board that compliance with this requirement would cause undue hardship. In such cases, the Board shall provide for alternate monitoring procedures in the Significant Industrial User's wastewater discharge permit. The City shall have the right of full access to said monitoring station at all times to conduct tests on quantity and quality of effluent.

The City may provide metering and/or monitoring equipment during a surveillance period for control manholes or their access means supplemental to those provided by the User.

Required monitoring equipment may, if the Board determines it to be necessary, include a device for continuously automatically measuring and recording flow and a device for automatically taking discrete hourly and composite samples of wastewater during each twenty-four hour period. In the event of continuing violation of discharge limits in the permit of a Significant Industrial User, the City may also, in addition, require monitoring equipment which shall include a real

time analytical device, suitable for the nature of the wastewater being monitored, to provide instantaneous indications of a potential discharge incident which may cause maximum limitations of the Significant Industrial User wastewater discharge permit to be exceeded.

- (a) Each Significant Industrial User shall measure and record the following data on a schedule established in their permit:
 - (i) Total daily wastewater discharge (gallons per day).
 - (ii) Concentration of each waste constituent or characteristic specified in the permit (mg/L).
 - (iii) Total daily discharge of each waste constituent or characteristic specified in the permit (lb/day).

All analyses shall be performed according to Section 4.6.2 of this Ordinance.

The City may monitor and analyze the wastestream of any Significant Industrial User on a daily basis when just cause exists. If at any time the rate of wastewater discharge or concentration or quantity of a constituent or characteristic exceeds the maximum limits established in the permit, the Superintendent shall be notified as required in Section 4.3.4 (i) and (j).

9.5 Limitations on Point of Discharge.

No person shall discharge any substance directly into a manhole or other opening in the municipal wastewater system other than through the approved building (or house connection) sewer, except in accordance with the terms of this Ordinance or by express permission of the Board.

9.6 Licensed Commercial or Industrial Waste Hauling.

A person who is a licensed commercial or industrial waste hauler may discharge compatible pollutants and those incompatible pollutants within the limits of admissibility set out in Article III to the wastewater treatment plant at a time and place and in such amounts as permitted by the Board. The Board shall not be required to accept any such discharge if it elects in given cases not to do so. Wastewater so received must be preceded with a manifest of constituents and concentrations for each truckload.

9.7 Special Agreements.

Special agreements and arrangements between the City and any person may be established by the Board within the terms and intent of this Ordinance when, in the opinion of the Board, unusual or extraordinary circumstances compel special terms and conditions, including but not limited to consent orders and criminal prosecutions whereby an unusual wastewater may be accepted for treatment, subject to payment of applicable fees. Under no circumstances will a special agreement be made, which permits the User to violate any applicable Pretreatment Standard or Requirement.

ARTICLE X
SEWER CHARGES, SURCHARGES AND SERVICE FEES

10.1 Persons Subject to Fees and Sewer Charges.

For the use and service rendered by the publicly owned treatment works, sewer charges shall be collected from the respective owner(s) of each and every parcel of real estate that is connected directly or indirectly to the City's wastewater system or otherwise discharges wastewater either directly or indirectly into the municipal

wastewater system of the City, which sewer charges shall be payable as provided in this article.

10.2 Effective Date: Extension to Additional Property.

The sewer charges fixed by this article shall become effective at the time the user first discharges to the municipal wastewater system following the effective date of this ordinance. These sewer charges shall be extended to and cover any additional premises thereafter served, without the necessity of any hearing or notice.

10.3 Rate Basis.

The sewer flow charges shall be based on the quantity of water as measured by the water meter used on or in the premises or other method of measuring approved by the City subject to such sewer charges, except as otherwise provided in this article.

10.4 Schedule of Meter Reading.

Water meters shall be read once each month or, at the option of the City, at other intervals.

10.5 Procedure When Water is Obtained Partially or Wholly from Sources Other Than City.

In the event a user obtains water partially or wholly from sources other than the City, the total water used must be measured or determined as provided in Section 8.2, or by other reasonable means as the Board may direct.

10.6 Portion of Water Not Entering Municipal Wastewater System.

In the case of a user utilizing more than 1,000 gallons of water per average workday, who can substantiate to the City that a portion of said water does not and cannot enter the municipal wastewater system, the Board 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 municipal wastewater system. Facilities utilized to accomplish this shall be installed and maintained in a serviceable condition by the User at his expense, but shall be under the exclusive control of the City.

10.7 Billing Procedure Generally.

Sewer billings and invoices shall be rendered and collected approximately monthly.

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

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

10.8 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.

10.9 Liability of City for Charges.

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

10.10 Surcharge Based on Flow and Concentration of Wastewater.

All wastewater discharged shall meet the admissibility standards in Article III of this Ordinance. Wastewater, from any User, beyond the limits of admissibility set forth in this Ordinance may be accepted and surcharged in accordance with the schedule in Section 10.11.

Surcharges shall be based on actual quantities discharged for treatment as determined from measured concentration and flow. Surcharge rates for wastewater characteristics not provided for herein may be set at the reasonable discretion of the Board, taking into account all of the Wastewater Treatment Plant's (POTW's) significant cost factors, relating to treatment, handling, and disposal.

10.11 Rates of Surcharge.

The rates of surcharge, in addition to volumetric charge, for the following constituents shall be as follows:

- (a) for biochemical oxygen demand (BOD) in excess of 250 milligrams per pound \$0.41 per pound.
- (b) For suspended solids (SS) in excess of 250 milligrams per pound \$0.31 per pound.

10.12 Rates of Surcharge.

The rates of surcharge, in addition to volumetric charges, for the following constituents shall be as follows:

A) **Metered Service**

1)

<u>Metered Users Base Rate</u>	<u>IN-City Phase One</u>	<u>In-City Phase Two</u>	<u>Out-of-City Phase One</u>	<u>Out-of-City Phase Two</u>
5/8 – 3/4 inch meter	\$8.55	\$9.22	\$10.69	\$11.79
1 inch meter	21.38	23.56	26.73	29.45
1 -1/2 inch meter	35.42	39.02	44.27	48.77
2 inch meter	85.49	94.19	106.85	117.72
3 inch meter	196.63	216.63	245.78	270.78
4 & 6 inch meter	341.96	376.74	427.46	470.93

2)

<u>Plus: Flow Rate</u>	<u>Per 1,000 Gallons</u>	<u>Per 1,000 Gallons</u>	<u>Per 1,000 Gallons</u>	<u>Per 1,000 Gallons</u>
<u>Operation & Maintenance and Replacement</u>	\$4.81	\$5.30	\$6.02	\$6.62
<u>Local Capital Charge</u>	\$3.59	\$3.96	\$4.50	\$4.95

3)

| <u>Per Bill</u> |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| Billing Charge | \$3.31 | \$3.65 | \$4.14 | \$4.56 |

B) **Unmetered Users**

1) Residential single family	\$53.90	\$59.38	\$67.37	\$74.22
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10.12.1 Sewer Connection Fees.

(a) The fee or charge that shall be paid to the City for the right to connect to any City sanitary sewer shall be as follows:

- (i) Residential Connection: (a) In-City: \$1,000.00 per dwelling unit;
- (b) Out-of-City: one-hundred and twenty-five percent (125%) of the In-City charge. In all cases where multiple dwelling units share a physical connection the connection fee shall be equal to the connection fee per dwelling unit times each separately numbered unit for postal services.

- (ii) Non-Residential Connection: (a) In-City: \$1,000.00 per Equivalent Dwelling Unit (EDU); (b) Out-of-City: one-hundred and twenty-five percent (125%) of the In-City charge. In all cases the number of EDU's shall be determined by dividing the estimated monthly water usage by the number of gallons of water that equals one (1) EDU, as EDU is defined herein. The estimated water usage shall be determined by a licensed engineer for the intended use and level of use of the proposed development, and shall be provided to the City by and at the expense of the party requesting a service connection.
- (iii) Beginning January 1, 2003 and each January 1 thereafter the In-City fees listed in (i) and (ii) above shall increase by \$200.00 each year until it reaches \$2,600.00. This increase shall be subject to the review requirements in Article XI.
- (iv) Beginning January 1, 2003 and each January 1 thereafter the Out-of-City fees listed in (i) and (ii) above shall increase so as to be one-hundred and twenty-five percent (125%) of the adjusted In-City fees. This increase shall be subject to the review requirements in Article XI.
- (b) Inspection Fee. In addition to the connection fee in (A) above, the fee or charge that shall be paid to the City for inspection of the physical connection to the City's sanitary sewer main shall be \$30.00 for a single-family residential inspection, \$50.00 for a multi-family residential inspection, and \$120.00 for a commercial or industrial inspection.

10.12.2 Basic Sewer Charges.

For the use and the service rendered by said sewage works, volumetric sewer charges shall be paid as hereinafter provided and shall be in an amount determined as follows:

A) Minimum Charge per month for Metered Service

The appropriate Base Monthly Rate for the meter size, plus 1,000 gallons of monthly flow rate charges, plus the billing charge. For example, a customer with a 5/8 – 3/4 –inch meter will pay a minimum charge of \$20.26 for in-city service and \$25.35 for out-of-city service.

B) Minimum charge per month for unmetered service

The minimum charge shall be the rate established in 50.186 “Rates of surcharge.”

10.12.3 Pretreatment Program Charges.

- | | | |
|-----|---|-----------------------------------|
| (a) | Permit Fee | |
| | 1. new | \$500 |
| | 2. renewal | \$250 |
| | (every 5 years unless required sooner by State or Federal Agencies) | |
| (b) | Annual Permit Review | \$50 (1 time per year) |
| | | (none on years of permit renewal) |
| (c) | Program Administration Charge | \$0.020/1000 gal for |
| | (Subject to Annual Review) | Significant Industrial Users only |
| (d) | Monitoring Setup/Teardown Fee | \$60 per event |
| | | (minimum 2/year) |
| (e) | Site Inspection Fee | \$30 per visit |
| | | (minimum 1/year) |
| (f) | Sample Analysis & Reporting Fees (minimum 2 samplings per year) | |

Charges based on cost per sample per parameter analyzed. Fee Schedule to be as follows; subject to annual review:

Test Group Fees	
Test Name:	Fee
AMMONIA-N	\$14.00
CADMIUM	\$10.00
cBOD	\$10.00
CHROMIUM	\$10.00
COD	\$9.00
COPPER	\$10.00
CYANIDE	\$20.00
E.COLI	\$25.00
FECAL COLIFORM	\$30.00
LEAD	\$10.00
NICKEL	\$10.00
OIL & GREASE	\$25.00
PH	\$2.00
PHOSPHORUS	\$8.50
TBOD	\$10.00
TSS	\$13.00
ZINC	\$10.00
DISSOLVED SOLIDS	\$15.00
PHENOL	\$12.00

The City Wastewater Utility reserves the right to require additional parameters at a unit charge to be based on the City's cost of providing the service. Additional monitoring and/or analytical costs to the City may be charged to the respective User.

10.12.4 Rates for Licensed, Commercial or Industrial Waste Hauling

The Board is empowered to determine rates, charges, and fees for septic tank, industrial wastes, and other disposable wastewater and wastes delivered to the wastewater treatment plant, as provided in Section 9.6, and to collect such charges and fees.

10.12.5 Charges for Special Agreements

The Board is empowered to determine and to collect such charges as it may reasonably provide for under special agreements and arrangements entered into by the Board, on behalf of the City, under Section 9.7.

10.12.6 Governmental Exemption to Surcharge

Local, State and Federal government entities and their subdivisions shall pay fees and charges listed in Article X as if they are located within the City limits of the City whether or not the connection is located within the City limits.

10.13 Delinquent Accounts.

Charges for wastewater service levied pursuant to this Ordinance 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 seventeen (17) days after the bill is rendered) shall be considered delinquent. The delinquent charge shall be ten (10%) percent of the delinquent amount and shall be added to the next statement rendered unless by then paid. Delinquent sewage charges together with delinquent penalties, 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.

10.14 Budget Payments.

If and when the City installs and has operating appropriate software, any users of utilities furnished by the city may elect to pay their monthly statements for utilities at a flat, prearranged budget rate for 11 months. The twelfth month, which shall be July of each year, shall be the balancing month during which any overcharge shall be credited and any undercharge shall be added to the user's July statement. The Clerk-Treasurer shall periodically review budget accounts and shall have the

responsibility to adjust budget rates during any of the 11 months upon a finding that the budget rate is either at a substantially excessive or deficient charge.

ARTICLE XI
BI-ANNUAL REVIEW

The Board shall file with the Mayor and Common Council of the City of Auburn during the first calendar quarter of each year an annual report for the previous calendar year showing the financial condition of the Wastewater Treatment Utility (POTW) and the following additional information, as well as other information the Board may deem useful or appropriate: (a) the amount of volumetric charges collected, (b) the amount of surcharges collected, (c) the activities of the Board and Water Pollution Control Department with respect to industrial surveillance and pretreatment, (d) plant, and treatment facilities, (e) technical and other personnel, and (f) combined overflows. Such report shall contain, where appropriate, recommendations to the Council for amendments to this Ordinance regarding rates, surcharges, industrial surveillance, limitations on pollutants and concentrations thereof, and all other matters either within the scope of this Ordinance or pertaining to collection and treatment of wastewater.

ARTICLE XII
SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

ARTICLE XIII
CONFLICT

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XIV
EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage and approval, according to law, including but not limited to proper publication. Said Ordinance shall also be reviewed by the appropriate State and / or Federal authorities for compliance purposes.

ARTICLE XV

BE IT FURTHER ORDAINED that this Ordinance be in full force and effect from and after _____, 2011.

PASSED AND ADOPTED by the Common Council of the City of Auburn, Indiana, this _____ day of _____, 2011.

James Finchum
Councilmember

ATTEST:

Patricia Miller
Clerk-Treasurer

Presented by me to the Mayor of the City of Auburn, Indiana, this ____ day of _____, 2011.

Patricia Miller
Clerk-Treasurer

APPROVED AND SIGNED by me this ____ day of _____, 2011.

NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

Marilyn Gearhart

David Painter

James Finchum

Richard Stahly

Keith Schrimshaw

Denny Ketzenberger

Michael Walter