

HCRUD Ordinance No. 07-14-25-A

**AN ORDINANCE REGULATING THE CONNECTION TO AND
USE OF THE DISCHARGE OF WATER AND WASTE INTO
THE SEWAGE SYSTEM OF HAMILTON COUNTY REGIONAL UTILITY DISTRICT**

WHEREAS, the Hamilton County Regional Utility District (the "District") owns and operates sewer and water utilities by and through the Hamilton County Regional Utility District Board of Trustees (the "Board"); and

WHEREAS, for the District to meet the applicable effluent limitations, National and State standards of performance and discharge, and other discharge criteria that are required or authorized, it is necessary for the District to maintain a wastewater system and to adopt and to enforce regulations and standards relating to such system and the use of it by persons and businesses ("Customers"); and

WHEREAS, the Board has adopted a Resolution recommending the promulgation and adoption of the below standards:

ALL OF WHICH IS ADOPTED this 14th day of July, 2025, by the Board of Trustees for the Hamilton County Regional Utility District.

Voting For



Christine Altman

Voting Against

Christine Altman

Abstain

Christine Altman

Steven Dillinger

Steven Dillinger

Steven Dillinger



Mark Heirbrandt

Mark Heirbrandt

Mark Heirbrandt

SEWER USE ORDINANCE

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SECTION 1 – GENERAL PROVISIONS

1.1 Purpose

This ordinance establishes uniform requirements for all users of the District's sewer system, enabling compliance with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this ordinance include:

- (A) To prevent the introduction of pollutants into the POTW that will interfere with its operation, including the interference with the use or disposal of sludge;
- (B) To prevent the introduction of pollutants into the POTW that will pass through the POTW, without receiving effective treatment by the POTW;
- (C) To improve opportunities to recycle and reclaim wastewater and sludges from the POTW;
- (D) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the POTW;
- (E) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the public; and
- (F) To enable the District to comply with its NPDES Permit conditions, sludge use, disposal requirements, and any other Federal or State laws to which the POTW is subject.

1.2 Definitions

Unless a provision of this Ordinance explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated. Additional definitions are provided in the *Hamilton County Regional Utility District Standards for the Design and Construction of Water Mains, Sanitary Sewers, and Related Appurtenances*.

- (1) ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 U.S.C. 1251 et seq.
- (2) AMMONIA-NITROGEN. Dissolved ammonia including $\text{NH}_3(\text{aq})$ and NH_4^+ , usually expressed as $\text{NH}_3\text{-N}$.
- (3) BENEFICIAL USES. 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, tangible or intangible, as specified by state or federal law.
- (4) BEST MANAGEMENT PRACTICE or BMP. This means (1) schedules of activities; (2) prohibitions of practices; (3) maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and 40 CFR 403.5(b); (4) treatment requirements; (5) operating procedures; and (6) practices to control any of the following: (A) plant site runoff; (B) spillage or leaks; (C) sludge or waste disposal; or (D) drainage from raw materials storage.
- (5) BOARD. The Hamilton County Regional Utility District Board of Trustees is the governing body of the District.

- (6) **CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND** or CBOD5, BOD, BOD5. CBOD5 is a measure of the amount of oxygen consumed by microorganisms over five days as they break down organic carbon-based substances in a water sample. In CBOD5 testing, the contribution from nitrogenous bacteria is suppressed, isolating the carbonaceous component of the biochemical oxygen demand. This measurement applies to sewage, sewage effluent, polluted water, or industrial waste. Laboratory determinations of CBOD5 shall follow procedures outlined in the Standard Methods.
- (7) **BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning three (3) feet outside the building wall.
- (A) **SANITARY BUILDING DRAIN.** A building drain that conveys sanitary or industrial sewage only.
- (B) **STORM BUILDING DRAIN.** A building drain that conveys storm water or other clear-water drainage, but no wastewater.
- (8) **BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal. Also called “house connection.”
- (A) **SANITARY BUILDING SEWER.** A building sewer that conveys sanitary or industrial sewage only.
- (B) **STORM BUILDING SEWER.** A building sewer that conveys storm water or other clear-water drainage, but not sanitary or industrial sewage.
- (9) **CATEGORICAL STANDARDS.** National Categorical Pretreatment Standards or Pretreatment Standards. National pretreatment standards, specifying quantities or concentrations or pollutants or pollutant properties that may be discharged or introduced to a POTW by an existing or new industrial user in a specific industrial subcategory, that are established by USEPA, under Section 307 (b) of 307 (c) of the CWA as separate regulations under the appropriate subpart of 40 CFR Chapter I, Subchapter N. The categorical pretreatment standards are incorporated by reference at 327 IAC 5-2-1.5.
- (10) **CHEMICAL OXYGEN DEMAND** or COD of sewage, sewage effluent, polluted waters, or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The value of the test for Chemical Oxygen Demand, as described in the latest edition of “Standard Methods for the Examination of Water and Wastewater.”
- (11) **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 National Pollutant Discharge Elimination System (NPDES) Permit for the treatment plant that was designed to treat the pollutants.
- (12) **COMBINED SEWER.** A wastewater collection sewer that has been designed and constructed to convey sanitary wastewater (domestic, commercial, or industrial wastewaters) and storm or surface water through a single pipe system to a POTW.
- (13) **COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the POTW is designed to treat those pollutants and does remove the pollutants to a substantial degree.

“Substantial degree” is not subject to precise definition but generally contemplates removals on the order of eighty percent (80%) or greater. Minor incidental removals on the order of ten percent (10%) to thirty percent (30%) are not considered substantial. Examples of additional pollutants which may be considered compatible include the following:

- (A) Chemical oxygen demand.
- (B) Total organic carbon.
- (C) Phosphorus and phosphorus compounds.
- (D) Nitrogen and nitrogen compounds.
- (E) Additional pollutants as identified or defined in the District’s NPDES Permit.

(14) **COMPOSITE SAMPLE.** A Composite Sample should contain a minimum of four (4) discrete samples, taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

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

(16) **CONTROL AUTHORITY or CA.** Means the commissioner of the Indiana Department of Environmental Management.

(17) **DILUTION.** The purposeful act of adding water, other liquids, and/or substances to the waste stream to dilute the true characteristics of the wastewater discharge.

(18) **DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the Waters of the State.

(19) **DISSOLVED SOLIDS.** Those solids in water that are in a solution.

(20) **DISTRICT.** The municipal corporation established to provide sewer service under the name Hamilton County Regional Utility District.

(21) **DOMESTIC DISCHARGER.** A user that discharges wastewater to the sewer system that originates from predominately, the human metabolism and household activities.

(22) **EASEMENT.** An acquired legal right for the specific use of land owned by others.

(23) **EFFLUENT.** The water, together with any wastes, that may be present flowing out of a drain, sewer, receptacle, or outlet.

(24) **EFFLUENT LIMITATION or LIMIT.** Any restriction established by the state on quantities, discharge rates, and concentrations of pollutants that are discharged or will be discharged from point sources into the waters of the state.

(25) **ENVIRONMENTAL PROTECTION AGENCY or EPA or USEPA.** The United States Environmental Protection Agency.

(26) **FECAL COLIFORM BACTERIA.** Any of several organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

- (27) FLOATABLE FOG. Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.
- (28) FOG. (All Fats, Oils and Grease, Petroleum Products, and By-Products.) Fats, oils, and grease as found in food service facilities include but are not limited to any substance such as vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. Petroleum, oils, and grease as found in auto service facilities include but are not limited to any substance such as petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin that are used in or are a by-product of an automotive process. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time.
- (29) FOG FACILITY. Any non-domestic user or combination of users that generates FOG.
- (30) FOG PRETREATMENT DEVICE or FOG EQUIPMENT. Includes oil-water separators, grease traps, and grease interceptors.
- (31) GARBAGE. Solid waste generated from domestic and commercial preparation, cooking, dispensing of food, and from the handling, storage, and sale of produce.
- (32) GARBAGE, PROPERLY SHREDDED. The wastes from the preparation, cooking, and dispensing of food that has been shredded to a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.
- (33) GREASE INTERCEPTOR. An outdoor, watertight receptacle used to intercept, collect, and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 1,000 gallons to serve one or more fixtures and shall be located outside the building.
- (34) GREASE TRAP. An indoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. A maximum of four (4) fixtures shall be connected to a grease trap.
- (35) HAULED OR TRUCKED POLLUTANTS. Wastes, including holding tank waste, which is trucked or hauled from any location before discharge to the POTW treatment plant, collection system, or by any other conveyance.
- (A) COMMERCIAL WASTE HAULER. Any waste hauler that operates either for profit by hauling waste, or any entity that operates for profit and generates waste that requires the waste to be hauled for disposal.
- (B) NON-COMMERCIAL WASTE HAULER. Any private or not-for-profit entity that hauls domestic sewage waste. Examples of such entities include campers, trailers, or recreational vehicles (RVs) that are not operated for public use.
- (36) HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.
- (37) INCOMPATIBLE POLLUTANTS. Any pollutants not classified as compatible pollutants.

- (38) **INDIRECT DISCHARGER.** A non-domestic discharger that introduces pollutants into a POTW, regardless of whether the discharge is physically within or without the territory of the District.
- (39) **INDUSTRIAL USER.** Means an indirect discharger.
- (40) **INDUSTRIAL WASTES.** The wastewater discharged from industrial, trade, or business processes that are distinct from sanitary sewage.
- (41) **INDUSTRIAL WASTEWATER PRETREATMENT PERMIT or IWP PERMIT.** An Industrial Wastewater Pretreatment Permit issued by the Indiana Department of Environmental Management.
- (42) **INFILTRATION.** The water, other than wastewater, that enters the sewer 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.
- (43) **INSPECTOR.** A person authorized by the Board or the District to perform inspection duties assigned by either the Board or the District.
- (44) **INTERFERENCE.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:
- (A) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods;
 - (B) Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; or
 - (C) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent federal, state, or local laws, rules, or regulations:
 - 1. Section 405 of the Clean Water Act (33 U.S.C. 1345), as it may be amended.
 - 2. The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), as it may be amended, including:
 - a. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), as it may be amended; and
 - b. the rules contained in any state sludge management plan prepared under Subtitle D of the SWDA (42 U.S.C. 6941), as it may be amended.
 - 3. The Clean Air Act (42 U.S.C. 7401), as it may be amended.
 - 4. The Toxic Substances Control Act (15 U.S.C. 2601), as it may be amended.
- (45) **LATERAL SEWER.** The extension from the building or dwelling drain to the sewer system or other place of disposal.
- (46) **LOCAL LIMIT.** Specific discharge limits developed and enforced by the District upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

- (47) **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.
- (48) **NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARDS.** Any regulation that applies to industrial users and contains pollutant discharge limits promulgated by the USEPA per § 307(b) and (c) of the CWA (33 U.S.C. 1347).
- (49) **NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT.** A permit issued under the national program for issuing, modifying, revoking and reissuing, terminating, denying, monitoring, and enforcing permits for the discharge of pollutants from point sources and imposing and enforcing pretreatment requirements by the USEPA or the State under Sections 307, 318, 402, and 405 of the CWA.
- (50) **NATURAL OUTLET.** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
- (51) **NON-DOMESTIC DISCHARGER.** A user that discharges wastewater to the sewer system that does not originate strictly from human metabolism and household activities.
- (52) **NON-COMPLIANCE.** A violation or failure to comply with any provision of this Ordinance.
- (53) **NORMAL DOMESTIC SEWAGE.** To determine surcharges, this is wastewater or sewage having an average daily concentration as follows:
- (A) CBOD5 not more than two hundred ten (210) milligrams per liter.
 - (B) TSS not more than two hundred forty (240) milligrams per liter.
 - (C) FOG not more than one hundred (100) milligrams per liter.
 - (D) TKN not more than forty (40) milligrams per liter.
 - (E) Total phosphorus not more than eight (8) milligrams per liter.
- (54) **NOTICE OF VIOLATION or NOV.** A written document provided to the user describing any violation or failure of compliance with this Ordinance.
- (55) **NUISANCE.** Any substance that is injurious to health, offensive to the senses, or an obstruction to the free use of property that interferes with the comfort or enjoyment of life or property.
- (56) **OIL-WATER SEPARATOR.** A device that uses the difference in density between oil, petroleum, or chemical products and water for removal.
- (57) **pH.** The measure of the relative acidity or alkalinity of water is defined as the negative logarithm (base 10) of the hydrogen ion concentration.
- (58) **PASS-THROUGH.** A discharge proceeding through a POTW into Waters of the State in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, are 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.
- (59) **PERSON.** Any individual, firm, company, association, society, corporation, group or other entity.

- (60) **PHOSPHORUS, TOTAL.** Wastewater containing phosphorus compounds, which are nutrients used by organisms for growth.
- (61) **POLLUTANT.** Includes, but is not limited to, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, toxic wastes, hazardous substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rocks, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (62) **POLLUTION.** An alteration of the water quality by waste, contaminants, or pollutants to a degree that renders such water unfit for beneficial use.
- (63) **PREMISES.** A building or property, along with its surrounding land or grounds including any area, structure, or location where activities are carried out, such as a residence, business property, or any other physical space used for specific purposes.
- (64) **PRETREATMENT.** The reduction in the amount of pollutants, the elimination of pollutants, or the alteration of the nature and pollutant properties in wastewater before or instead of discharging or otherwise introducing the pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except dilution as prohibited in 327 IAC 5-18-4, or as amended.
- (65) **PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on the industrial user, including applicable local limits.
- (66) **PRETREATMENT RULES.** Means the rules contained in 327 IAC 5-16 through 5-21, or as amended.
- (67) **PRETREATMENT STANDARDS.** Means state pretreatment standards as established in 327 IAC 5-18-8; pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2; and National Categorical Pretreatment Standards (incorporated by reference in 327 IAC 5-2-1.5), or as amended.
- (68) **PRIVATE SEWER.** A sewer that is not owned by a public authority.
- (69) **PUBLICLY OWNED TREATMENT WORKS or POTW.** A treatment works owned by the State, a municipality, or a regional sewer district, 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. The term also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. "POTW" also means the municipality or regional sewer district that has jurisdiction over the indirect discharges to and the discharges from such treatment works.
- (70) **PUBLIC SEWER.** A sewer owned by the District. These definitions are part of the public sewer:
- (A) Collector sewer shall mean a sewer whose primary purpose is to collect wastewater from individual point source discharges.
 - (B) Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

- (C) Force main shall mean a pressurized sewer main designed to transport sewage pumped from a lift station. A force main is not designed to and shall not collect wastewater from individual point source discharges, including individual customers, except under extraordinary conditions that are approved by the Board.
- (D) Lift (or pumping) station shall mean a station positioned in the public sewer system at which wastewater is pumped to a discharge point in a sewer system, lift station or wastewater treatment facility.
- (71) RECEIVING STREAM. The waterbody or waterbodies identified by the Indiana Department of Environmental Management as the receptor for a wastewater discharge.
- (72) SANITARY SEWER. A sewer intended to carry only sanitary or sanitary and industrial wastewater from residences, commercial buildings, industrial plants, and institutions.
- (73) SETTLED SOLIDS. Particles of debris and fine matter heavy enough to settle out of wastewater. These particles of debris and fine matter can be a collection of hard materials including, but not limited to, dirt, ground stone, debris from sandblasting or other such grinding, swarf from metalworking, edible and inedible particles of food, disposable diapers, dental floss, sanitary napkins, prophylactics, rags, and any other solid substances.
- (74) SEWAGE. The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The three (3) most common types of sewage are:
 - (A) COMBINED SEWAGE. Combination of wastewater, including domestic, commercial or industrial wastewater and stormwater transported in a combined sewer or combined sewer system.
 - (B) INDUSTRIAL SEWAGE. A combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this includes the wastes from pretreatment facilities and polluted cooling water).
 - (C) SANITARY SEWAGE. The liquid and water-carried waste from toilet sanitary plumbing facilities from residences, dwellings, commercial buildings, industrial plants, institutions, and other places of human occupancy that is transported by sewers and is primarily composed of human and household waste and free of stormwater and industrial waste.
- (75) SEWER. A pipe or conduit laid for carrying sanitary sewage or other liquids, and solids suspended or entrained therein.
- (76) SEWER SYSTEM. The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the POTW that serves the District.
- (77) SIGNIFICANT INDUSTRIAL USER or SIU. Means
 - (A) Industrial users subject to categorical pretreatment standards outlined in 40 CFR Chapter I, Subchapter N and incorporated by reference in 327 IAC 5-2-1.5, or as amended.
 - (B) An industrial user that:

1. 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;
 2. Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. Is designated as a significant industrial user by IDEM on the basis that the industrial user has a reasonable potential to: (A) adversely affect the POTW's operation; (B) violate a pretreatment standard; or (C) violate a requirement of 327 IAC 5-19-3.
- (78) SLUG or SLUG LOAD. Any discharge of water or wastewater which, in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than ten (10) minutes, more than three (3) times the average twenty-four-hour (24-hour) concentration of flows during normal operation, and adversely affects the POTW or any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge that has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.
- (79) STANDARD INDUSTRIAL CLASSIFICATION or SIC. The standard industrial classification applies to a particular industrial activity following the A classification under the Standard Industrial Classification Manual issued and published by the Executive Office of the President, Office of Management and Budget, 1972, as amended.
- (80) STANDARD METHODS. The examination and analytical procedures outlined in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association (APHA), the American Water Works Association (AWWA), and the Water Pollution Control Federation. These procedures are referenced and incorporated by the USEPA in 40 CFR Part 136.
- (81) STATE. The State of Indiana.
- (82) STORM SEWER. A sewer intended to carry only stormwater, surface runoff, and drainage. A sewer designed to transport only storm and surface water and does not lead to a wastewater treatment facility.
- (83) STORMWATER. Water resulting from rain, melting, or melted snow, hail, or sleet.
- (84) SURCHARGE. An additional charge billed to users for treating sewage wastes with an average strength above normal domestic sewage.
- (85) SUSPENDED SOLIDS. Solids that either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made following procedures outlined in Standard Methods.
- (86) TOTAL SUSPENDED SOLIDS or TSS. The value of the test for Total Suspended Solids, as described in the latest edition of Standard Methods for the Examination of Water & Wastewater.
- (87) TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer,

genetic mutations, and physiological manifestations, as defined in standards issued under § 307(a) of the Act, 33 U.S.C. 1317(a).

- (88) **TOXIC POLLUTANT.** Any pollutant listed as toxic under Section §307 (a)(1) of the CWA and in 40 CFR 401.15
- (89) **UNPOLLUTED WATER.** Water of quality equal to or better than the effluent IDEM criteria in effect, or water that would not cause violation of receiving water quality standards and would not benefit by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (90) **USER.** A person, whether the owner or occupant of the property, who introduces or discharges any substance into the sewage works.
- (91) **WASTE.** Sanitary sewage and any 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 before, and for purposes of, disposal.
- (92) **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.
- (93) **WATERCOURSE or WATERWAYS.** A natural or artificial channel for the passage of water, either continuously or intermittently.
- (94) **WATERS OF THE STATE.** Per Indiana Code 13-11-2-265, the accumulations of water, surface and underground, natural and artificial, public and private, or a part of the accumulation of water that are wholly or partially within, flow through, or border upon Indiana.

1.3 Bylaws and Regulations

The Board may adopt and enforce reasonable regulations not in conflict herewith as it may deem necessary for the safe, economical, and efficient management of the District's sewage POTW and for the construction and use of building (or house) lateral sewers and connections to the POTW, which regulations may include limitations and prohibitions of certain waste streams into the POTW.

1.4 Legal Authority

The District and the Board have legal authority to:

- (A) Develop and enforce specific limits on prohibited substances;
- (B) Consistent with Ind. Code § 36-1-6-2, enter the premises of any user to conduct inspections, surveillance, record review, and/or monitoring, as necessary to determine compliance with the Ordinance and, if applicable, any effective industrial wastewater pretreatment permit or approval;
- (C) Accept or deny any new or increased discharges from any indirect discharger;
- (D) Immediately halt or prevent any discharge of pollutants to the sewer system that reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or that threatens to interfere with the operation of the POTW;

- (E) Require compliance with all applicable pretreatment standards and requirements by indirect dischargers;
- (F) Impose fees, if necessary to offset the cost incurred by the permittee for administering the pretreatment program requirements established in this Ordinance; and
- (G) Impose a fine or fines for violations.

1.5 Administration

Except as otherwise provided herein, the District shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the District may be delegated to a duly authorized District employee.

1.6 Right of Entry

- (A) Duly authorized employees of the District, bearing proper credentials and identification, are empowered to enter the premises of any user (or property owner) who is the owner, tenant, or occupant, upon reasonable notice, to inspect, observe, measure, sample, and test to ensure compliance with this Ordinance.
- (B) If the District has been refused access to any premises, it may, as provided in Indiana Code, apply to any judge of the county where the property is located for an order compelling the property owner or occupant to permit entry for the purposes stated. Any such application shall specifically identify the premises to which entry is sought and the purpose for which entry is requested.

1.7 Search Warrants

If the District 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 District 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 District may seek issuance of a search warrant from a court of competent jurisdiction. The warrant should specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served by the District on the user or property owner in question. In the event of an emergency or violations of significant non-compliance of this Ordinance, inspections may be made without the issuance of a warrant where permitted by applicable law.

1.8 Right to Reject Waste

The District reserves the right to reject waste and prohibit the introduction of rejected waste into the District's sewer system. The District also has the right to accept or deny any new or increased discharges from any discharger.

1.9 Design and Construction Standards

The District has developed *Hamilton County Regional Utility District Standards for the Design and Construction of Water Mains, Sanitary Sewers, and Related Appurtenances* (Standards) that detail the design criteria for infrastructure. The Standards are additional requirements to the Ordinance. In the case of conflicting requirements, the more restrictive will apply. Revisions to the Standards may be updated and expanded at the discretion of the District and the Board.

1.10 Fee Schedule

- (A) Rates, fees and charges discussed in this Ordinance have been developed by the District and approved by the Board and are provided in Ordinance 2025-2, Ordinance establishing rates to be collected by the Hamilton County Regional Utility District for sewer service. The District may amend rates, fees and charges from time to time.
- (B) One-time fees and charges shall be in accordance with Ordinance 2025-2, Ordinance establishing rates to be collected by the Hamilton County Regional Utility District for sewer service, or subsequent rate ordinance.

1.11 Superseding Clause

This Ordinance, along with all its terms, paragraphs, sentences, words, policies, and procedures supersede all prior inconsistent Ordinances.

1.12 Severability

The terms, paragraphs, sentences, words, policies, and procedures of this Ordinance are separable, and if a court of competent jurisdiction declares any portion of this Ordinance unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions thereof.

SECTION 2 – GENERAL SEWER USE & CONNECTION

2.1 Limitations on Point of Discharge

No person shall discharge any substance directly into a manhole or other opening in the sewage system other than through the approved building (or house) lateral sewer or sanitary sewer connection, except per the terms of this Ordinance or by express permission of the District.

2.2 Connection to Sewer System

- (A) The owner of a property used for human occupancy, employment, recreation, or other purposes within the District shall install suitable toilet facilities and connect to the public sewer per IC 13-26-5-2 (8) if one is available within three hundred (300) feet of:
 - (1) The property line, if the property is adjacent to a body of water, including a lake, river, or reservoir;
 - (2) Any part of a subdivision or land proposed for division into lots for sale or lease; or
 - (3) For all other properties, the improvement or other structure from which the sewage or similar waste is discharged.
- (B) The District shall give written notice by certified mail to the property owner at the address of the property at least ninety (90) days before a date for connection to be stated in the notice and the notice includes a list of the applicable exemptions from connecting to the sewer system available to the property owner that are described below in (C), (D) and (E).
- (C) A property owner may apply for an exemption from connection in accordance with IC 13-26-5-2.5.
- (D) Property owners of large parcels of at least ten (10) acres may apply for an exemption from connection per IC 13-26-5-2.6.

- (E) If the District has provided an owner of property with a ninety (90) day notice to connect to the District's system (see ¶ 2.2(B) above) and the property owner does not qualify for an exemption under Indiana law, then the District will impose a penalty of one hundred dollars (\$100.00) per day for failure to connect to the District's system. The District may also apply to the Circuit or Superior Court in Hamilton County or in the County in which the property is located for an order to force connection, with the cost of the action, including reasonable attorney's fees of the District, to be assessed against the property owner. The penalty provided for herein shall begin on the ninety first (91) day after the initial notice to connect was provided by the District.
- (F) A property owner is not required to connect to a force main; however, the Board may approve an application if a property owner voluntarily applies to connect under extraordinary conditions.
- (G) Unless otherwise specifically provided by the District, a user shall bear the cost of their initial connection to the District's sewer system. The user is responsible for installing a lateral from the District's system to the user's building, and the lateral must conform to the Standards. Additionally, the user must abandon all septic tanks, piping, or connections to any other septic tank soil absorption system before connecting to the District's sewer system. However, existing piping that connects to a septic tank soil absorption system, other than the District's, may be approved for connection to the District's system if it passes inspection and testing to the District's satisfaction. The property owner shall bear the cost of all testing and pay the District for any necessary inspection fees.
- (H) Connection fees may be waived for a period of time for existing houses, buildings, and properties that currently discharge to a septic tank soil absorption system when public sewers are initially routed adjacent to their property line. After the connection fee waiver window closes, existing property owners shall be required to abandon their existing septic tank soil absorption system and connect to the public sewer at their own expense and subject to District connection and inspection fees unless they apply for and are granted an exemption as described in paragraph (B) or (C) of this section.
- (I) The property or building owner shall have ownership and be responsible for operation, maintenance and repairs or replacement of the building lateral from the building to the District's sewer, including all pipe, fittings and cleanouts. The property or building owner shall be responsible for repairing or replacing the building lateral at their expense if it is declared cracked, leaking, damaged, degraded, in disrepair, or incapable of providing adequate flow by the District, in conformance with District Standards.
- (J) This section does not affect the authority of the Indiana Department of Health, a local health department, or a county health officer concerning a septic tank soil absorption system.

2.3 Right to Prohibit New Connections

The District has the right to prohibit new connections for any reason, including, but not limited to, when the excess capacity of the sewer system is deemed insufficient by the Board to accommodate the expected flow, strength, or character of the waste from the prospective user.

2.4 Separate Sewer Requirement

- (A) Unless the District provides a specific exemption, a separate and independent lateral sewer shall be required for every separate building.

- (B) Owners, builders, or developers of commercial properties or buildings shall provide separate sewers for domestic waste (restrooms, cafeterias, wet bar sinks, eye wash stations, etc.) and non-domestic waste including, but not limited to, utility room sinks, boiler blowdown, laboratory sinks, cooling tower blowdown, other industrial processes, and floor drains.

2.5 Extensions

No person shall directly or indirectly connect to or create an opening into the District's sewer system to provide sanitary service for any areas or properties outside the District's service area without first securing specific approval from the District authorizing such a connection.

2.6 Submittal of Plans and Specifications for Construction

- (A) No sewer, lift station, lateral, or force main shall be constructed, installed, or connected to the District's sewer system without review and approval of a Connection Permit by the District.
- (B) An application for review and approval shall be submitted to the District at least one hundred twenty (120) calendar days before the scheduled construction per the Standards. The submitted plans and specifications must accompany the application for connection or construction permit, comply with the Standards, and meet any state or county design requirements, as well as any necessary releases or approvals before construction can commence.
- (C) The District or designated representative will review the plans and provide comments, approval, or denial within thirty (30) calendar days. The property owner or applicant is responsible for all permit fees and technical review fees if an outside engineer or consultant is used to complete or assist with the plan review.
- (D) The construction of the said released plans and specifications must be performed per the Standards.

2.7 Supervision of Connection

- (A) All new facilities shall be inspected by the District's Inspector during construction of the facilities to ensure conformance to the plans and specifications and the Standards. Users shall pay all fees, costs, and/or expenses associated with such inspection.
- (B) The user shall provide the District with construction notification after the user receives permit approval but before construction of any sewer infrastructure commences. The District Inspector, at the user's cost and expense, shall inspect the sewer infrastructure to ensure that the facilities are consistent with the Standards.

2.8 Testing and Certification

- (A) All sewers shall be properly tested for infiltration following the procedure required by the Standards and Indiana law.
- (B) The District may require additional testing including, but not limited to, televising the system, pressure testing of sewer joints, smoke testing, or flow testing. The entity requesting approval/acceptance of the connection shall bear the entire cost of additional testing.

2.9 Waste Received from Other Jurisdictions

- (A) Agreements

- (1) If another municipality, governmental entity, or user located within another municipality or unincorporated location (contributing source) contributes wastewater to the District's sewer system, the District shall enter into a written agreement with the contributing source.
 - (2) Before agreeing, the District shall request the following information from the contributing source:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing source;
 - b. An inventory of all users located within the contributing source that are discharging to the POTW; and
 - c. Other information as the District may deem necessary.
- (B) The agreement shall contain the following conditions:
- (1) A requirement for the contributing source to adopt a sewer use policy that is at least as stringent as this Ordinance and local limits. The requirement shall specify that such policy and limits must be revised as necessary to reflect changes made to the District's Ordinance and local limits;
 - (2) A requirement for the contributing source to submit a revised user inventory every two (2) years adding new users and deleting discontinued users;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection, sampling and testing, and enforcement, will be conducted by the contributing source; which of these activities will be conducted by the District; and which of the activities will be conducted jointly by the contributing source and the District;
 - (4) The contributing source shall provide the District with access to all information that the contributing source obtains from its metering, sampling, and testing activities, including those performed as part of its pretreatment program activities;
 - (5) Limits on the nature, quality, and volume of the contributing source's wastewater at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing source's discharge;
 - (7) A provision ensuring the District's access to the user's facilities located within the contributing source's jurisdictional boundaries that discharge non-domestic wastewater for inspection, sampling, metering, and any other pretreatment program duties deemed necessary by the District;
 - (8) A provision specifying the peak daily flow allowed to be discharged by the contributing source to the District's sewer system which may be specified as a reservation of capacity in the District's sewer system for which an appropriate proportionate capital charge is paid;
 - (9) A provision specifying remedies available for breach of the terms of the agreement; and
 - (10) A provision specifying how fees will be calculated and charged.

SECTION 3 – WASTEWATER ADMISSIBILITY

3.1 General Prohibitions

No user shall introduce, or permit the introduction of, any pollutant or wastewater into the POTW that causes, or could potentially cause, pass-through or interference with its operation or performance. These general prohibitions apply to all users of the POTW, regardless of whether they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

3.2 Prohibition of Discharge to Natural Outlets

No person shall discharge sewage or other polluted water to any natural outlet within the District's territory, unless suitable treatment has been provided per this Ordinance or an NPDES Permit.

3.3 Prohibition of Dilution

No user shall increase the use of water or attempt, in any way, to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any required pretreatment standard set by the District or under any applicable law.

3.4 Prohibition Against Clear Water Discharges

- (A) No person shall connect a source of surface water and/or groundwater (including, but not limited to roof downspouts, footing drains, foundation drains, areaway drains, driveways, sump pumps, heat pump discharge, cooling water, and/or parking lots) to a building lateral sewer or building drain that is connected (directly or indirectly) to the District's sewer system. Exceptions may be made by the Board on an individual basis.
- (B) No person shall connect any floor drains or footing drains that may convey groundwater seepage to plumbing facilities in a basement serving showers, toilets, washing machines, etc., that are connected to the sewer system. The property owner must provide dedicated plumbing and pumping systems for sewage and bear the cost of disconnecting non-sanitary connections. The plumbing must not be interconnected with sump pumps, footing drains, or floor drains.

3.5 Specific Prohibitions

A user shall not allow the introduction of the following into the POTW:

- (A) A pollutant from any source or nondomestic wastewater that could pass through or cause interference with the operation or performance of the POTW.
- (B) A pollutant that could create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than one hundred forty degrees (140°) Fahrenheit (sixty degrees (60°) Celsius) using the test methods in 40 CFR 261.21. Examples of these pollutants include but are not limited to, gasoline, benzene, naphtha, fuel oil, kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides or other flammable or explosive liquid, solid, or gas which the District or the Control Authority has notified the user is a fire or explosion hazard to the POTW.
- (C) A pollutant that could cause corrosive structural damage to the POTW or equipment; damage or hazards to the personnel of the POTW; or interference with any treatment process, including a discharge with pH lower than 6.0 or higher than 9.0.

- (D) A solid or viscous substance in an amount that could obstruct the flow in the sewer system or other interference with the operation of the POTW. Examples of such instances include but are not limited to Fats, Oils, and Greases (FOG), ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, wipes, feathers, tar, plastics, wood, un-ground garbage, blood, paunch manure, hair and fleshings, entrails, grease, paper, dishes, cups, plastic containers, glass, and/or aluminum cans.
- (E) A pollutant, including oxygen-demanding pollutants (e.g., CBOD5, etc.), released in a discharge at a flow rate and/or pollutant concentration that could cause interference with the operation of the POTW.
- (F) Heat in an amount that could inhibit biological activity in the POTW and result in interference or damage to the POTW; or exceed one hundred four degrees (104°) Fahrenheit (forty degrees (40°) Celsius) at the POTW unless the commissioner, upon request of the District, approves alternate temperature limits.
- (G) Petroleum, oil, non-biodegradable cutting oil, or products of mineral oil origin, whether emulsified or not, in an amount that could cause interference or pass-through.
- (H) A pollutant that could result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- (I) Trucked or hauled pollutants, except:
 - (1) with the written permission of the District; and
 - (2) when introduced to the POTW at a discharge point designated by the District.
- (J) Any substance that poses any risk of danger to life or safety of personnel.
- (K) A pollutant that hinders the effective maintenance or operation of the sewer system, such as through having an unusually strong or unpleasant odor.
- (L) A pollutant that could release toxic or unusually malodorous gases or substances that produce malodorous gases.
- (M) Discoloration that could interfere with the control of the treatment process or affect the POTW's effluent.
- (N) Sludges, screening, or other residues from the pretreatment of industrial waste.
- (O) Medical waste, except as specifically authorized by the District or its designee in a written wastewater discharge permit.
- (P) A pollutant causing, alone or in conjunction with other sources, the POTW's effluent to fail a toxicity test.
- (Q) A pollutant containing detergents, surface-active agents (surfactants), or other substances that could cause excessive foaming in the POTW or receiving stream.
- (R) A pollutant that causes the POTW to violate any portion of its NPDES permit or the receiving stream's water quality standards.
- (S) A pollutant containing phenols or other taste- or odor-producing substances, in concentrations exceeding the limits that may be established by the District to meet federal, state, or local requirements.

(T) A pollutant containing unusual concentrations of inert suspended solids, such as, but not limited to Fuller's earth, lime slurries, and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

(U) Hazardous waste.

(V) Radioactive waste.

3.6 Categorical Pretreatment Standards

Users must comply with the categorical pretreatment standards outlined in 40 CFR Chapter I, Subchapter N, as applicable.

3.7 State Pretreatment Standards

Users must comply with the applicable State of Indiana Pretreatment Standards outlined in 327 IAC 5-18, or as amended.

3.8 Local Limits

The District has the legal authority to establish and enforce local limits. No user shall discharge wastewater exceeding these limits:

Pollutant	Limit
FOG	100 mg/L
pH Minimum	6.0 s.u.
pH Maximum	9.0 s.u.

3.9 Excessive Strength Waste

(A) The District has established excessive strength surcharge levels for pollutants in wastewater from indirect dischargers that exceed normal domestic sewer concentrations based on the quantities discharged for treatment as determined from measured concentrations and flow. Industrial users shall be surcharged for wastewater containing more than the following pollutants per the Rate Ordinance (Ord. 2025-02):

Pollutant	Daily Maximum/Monthly Average	Surcharge Level
CBOD ₅	Monthly Average	210 mg/L
FOG	Daily Maximum	100 mg/L
TKN	Monthly Average	40 mg/L
Total Phosphorus	Monthly Average	8 mg/L
TSS	Monthly Average	240 mg/L

(B) Surcharge rates for wastewater characteristics may be set at the reasonable discretion of the Board, considering all the POTW's significant costs relating to treatment, handling, and disposal.

3.10 Pretreatment of Wastes

The District may require pretreatment of any waste if, in its sole discretion, the strength or character of the waste could damage or interfere with the operation of the District's POTW. When pretreatment is required, the pretreated waste must comply with Federal and State pretreatment requirements and standards, as well as the District's Ordinance.

3.11 Requirements for Grease, Oil, and Sand Interceptors

- (A) All restaurants and industrial, institutional, or commercial enterprises preparing food shall install and maintain interceptors as necessary to contain grease, oil, flammable wastes, sand, and/or other harmful inert materials as described in Section 4.
- (B) All industrial users with the potential to discharge oils shall install and maintain an oil/water separator as described in Section 4.
- (C) All interceptors or separators shall be approved by the District and shall be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, gas-tight and watertight, and be equipped with easily removable covers. All interceptors shall comply with the Standards and all local, county, state and federal Plumbing Codes.

3.12 Hauled Wastewater

- (A) No generator or hauler shall discharge any trucked or hauled pollutants to the POTW unless prior written permission is provided by the District. The hauler must possess written approval or a permit from the District, pay applicable permit fees, maintain valid vehicle licenses, and only discharge to the POTW at a point designated by the District.
- (B) The District may require the generator or hauler to provide a waste analysis of any load before discharge and pay a usage fee. The discharge of trucked or hauled pollutants is subject to all other requirements of this ordinance.
- (C) Septic tank waste may be introduced into the POTW only at locations designated by the District, and at such times that are established by the District. Such waste shall not violate this ordinance or any other requirements established by the District.
- (D) In the event the District allows trucked or hauled pollutants to be discharged to the POTW, the District shall:
- (E) Obtain and retain, for a minimum of forty-eight (48) hours, samples that are representative of the hauled or trucked pollutants;
- (F) Analyze the samples obtained if the permittee believes or has reason to believe that the hauled or trucked pollutants may be causing and/or contributing to pass-through and or interference; and
- (G) Maintain records for each discharge of trucked or hauled pollutants into the POTW per the District's NPDES permit.

3.13 Right of Revision

The District reserves the right to establish more stringent limitations or requirements on discharges to the POTW by resolution or in wastewater discharge permits if deemed necessary to comply with the objectives presented in this Ordinance.

3.14 Special Agreements

Nothing in this Ordinance shall be construed as preventing any special agreement or arrangement between the District and any user or person, whereby wastewater of unusual strength or character may be accepted into the POTW and specially treated. In such cases, the user will be subject to

any applicable payments or user charges. However, no discharge that violates categorical pretreatment standards is allowed under the terms of such special agreements. If, in the opinion of the District, the wastewater has the potential to cause any of the following circumstances, no special agreement shall be made: pass-through or interference at the POTW; endangerment to municipal employees or the public; or violations of the District's NPDES permit or water quality standards in the receiving waters.

SECTION 4 – FATS, OILS & GREASE (FOG) PROGRAM

4.1 Required Treatment for FOG

- (A) Users shall provide pretreatment for FOG at all existing, new, renovated, and reconstructed food service establishments, including, but not limited to truck stops and gas stations, restaurants, cafes, lunch counters, cafeterias, bars, clubs, hotels, hospitals, sanitarium, factory or school kitchens, or other establishments when, in the opinion of the District, the facility has the potential to discharge FOG in concentrations deemed potentially detrimental to the District's POTW.
- (B) Users whose facilities are required to install FOG equipment shall be referred to herein as a "FOG facility" or "FOG facilities."
- (C) FOG equipment is not required for individual dwelling units or any individual private living quarter.

4.2 FOG Facility Approval

All new and renovated food service establishments or other persons or users having the potential to discharge FOG, or existing establishments not already permitted, are required to obtain approval through the District.

- (A) Existing establishments that are not already permitted shall complete the FOG Equipment Permit Application and submit it to the District.
- (B) New establishments must complete the FOG Equipment Permit Application and submit it to the District at least forty-five (45) days before installing FOG equipment.
- (C) Renovated and/or reconstructed establishments must submit the FOG Equipment Permit Application at least sixty (60) days before opening or installing/renovating FOG equipment.
- (D) Establishments shall provide the District with sufficient information, including plans and specifications, for the District to determine if the user is a FOG facility.
- (E) All construction shall be designed and built per the Standards and District-approved plans.

4.3 FOG Specifications

- (A) FOG equipment shall be installed in the waste line leading from kitchen sinks, drains, and other fixtures or equipment, and separate from restroom wastes.
- (B) If the facility does not have plumbing connections to FOG equipment that ensures compliance with the District's requirements, the facility shall modify its current plumbing to prevent the introduction of FOG into the sewer as prohibited by this Ordinance.

- (C) The characteristics, size, and method of installation of the FOG equipment shall meet all plumbing and building codes of the State of Indiana and the District and be reviewed and approved by the District before starting installation.
- (D) The FOG equipment shall have adequate retention time at actual peak flow between the influent and effluent baffles to allow solids to settle or accumulate and floatable grease-derived materials to rise and accumulate to prevent discharge limit violations.
- (E) The devices shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction and be gastight, watertight, and equipped with easily removable covers.
- (F) The FOG equipment shall be in an accessible area for inspection by the District and for proper maintenance by the user.
- (G) Kitchen fixtures that must drain through the grease waste line include: pot sinks, pre-rinse sinks, dishwashers, rotisserie ovens/broilers or other grease-generating equipment with drip lines, mop sinks, can washer(s), soup kettles (kettle cookers) or sinks into which kettles are drained, garbage disposals (with solids interceptor), automatic hood wash unit(s), floor drains in the food preparation area, wok sinks, any other fixture that produces grease-laden wastes. Any fixture not containing grease-laden water shall be plumbed to the establishment's sanitary waste line.
- (H) Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

4.4 FOG Facility Requirements

- (A) All FOG facilities shall properly install and maintain FOG equipment at their own expense, per this Ordinance and the Standards; operate the FOG equipment in compliance with the District's prohibited discharge requirements; and assume full responsibility for the sizing, plumbing configuration, and the substances plumbed into the FOG equipment.
- (B) Grease traps shall: include flow regulators; not be shared by multiple facilities; not accumulate floatable FOG or settled solids exceeding the manufacturer's recommendations that are acceptable to the District; and be serviced and emptied of accumulated waste at least annually.
- (C) Grease interceptors shall: include a Tee-outlet with a maximum height of 18 inches above the interceptor's base; not accumulate floatable FOG or settled solids exceeding the manufacturer's recommendations that are acceptable to the District; and be serviced and emptied at least annually.
- (D) Oil/water separators shall: not accumulate settled or floating oils that exceed the manufacturer's recommendations that are acceptable to the District; and be serviced and emptied at least annually.

4.5 FOG Operations and Maintenance

Users of FOG equipment shall:

- (A) Maintain the device, at the user's expense, per the manufacturer's recommendations to keep the FOG concentration from the device below the local limits;

- (B) Service and empty the apparatus at least annually, but as frequently as needed to maintain an acceptable waste limit per the manufacturer's recommendations;
- (C) Clean the apparatus immediately if the solid waste and grease or oil reaches the manufacturer's recommendations;
- (D) Remove all waste (floating fog and settled solids) from the apparatus and have it hauled away and disposed of per State standards;
- (E) Not introduce, cause, permit, or suffer the introduction of any surfactant, solvent, or emulsifier into a grease interceptor (surfactants, solvents, and emulsifiers are materials that allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel fuel, kerosene, turpentine, and other solvents);
- (F) Not allow waste/water to be returned to the apparatus once pumped;
- (G) Open the apparatus for the district for inspections; and
- (H) Require staff to properly dispose of grease/waste so it is not reintroduced back into the sanitary sewer system.

4.6 Management of FOG Facilities

The facility owner shall:

- (A) Verify that all employees and/or tenants are informed about the FOG program and best management practices to assist the District with compliance;
- (B) Train new management about the reporting requirements to ensure compliance;
- (C) Properly maintain FOG equipment per the manufacturer's recommendations;
- (D) Maintain written FOG equipment maintenance records for three (3) years on a rolling calendar basis. These records must be available for inspection by the District at all times and should include: the facility's name and physical location; date and time of cleaning; name of the grease hauling company; name and signature of company agent performing the service; established service frequency and type (full pump-out or onsite treatment); number and size of each FOG pretreatment device serviced; approximate amount of grease and solids removed from each FOG pretreatment device; total volume of waste removed; destination of removed waste; and the signature and date of FOG facility personnel confirming service completion;
- (E) Report, in writing, their FOG equipment maintenance records to the District quarterly; and
- (F) Report any prohibited discharge to the District in writing within twenty-four (24) hours of the event.

4.7 Changes in Ownership

- (A) In the event the occupant changes, building usage changes, and/or new construction occurs at a FOG facility, and/or where a change in occupancy, change in building usage, and or new construction would cause a non-FOG facility to become a FOG facility, the user shall notify the District, in writing, of the changes within thirty (30) days of the date the change takes place.
- (B) Any change in ownership of a FOG facility will be recognized as a new FOG facility and shall comply with the District's discharge limits per this Ordinance.

4.8 District Exceptions and Allowances:

The District may, but is not obligated to:

- (A) Determine that, if garbage disposal is a factor in the prohibited discharge of FOG, then the garbage disposal shall be connected to the grease trap, or grease interceptor, or removed from the facility, and
- (B) Allow:
 - (1) The use of automatic removal systems if prior written approval by the District is obtained;
 - (2) A grease trap to be installed in the facility if a grease interceptor cannot be installed readily or economically in an FOG facility, at the owner's expense, on a trial basis. However, if the grease trap does not allow the discharge to meet FOG discharge limits, the facility will be required to install a grease interceptor in compliance with this Ordinance; and
 - (3) A grease interceptor and oil-water separator to be used by more than one facility if the capacity of the device is such that all the limits are met as established through this Ordinance.

4.9 FOG Inspections

- (A) FOG equipment may be inspected by the District as necessary to ensure compliance with this Ordinance. Any District official or agent, bearing proper identification, shall be granted access to all parts of the premises of a FOG facility for inspection, observation, record examination, measurement, sampling, and testing per this Ordinance. The District official shall inspect FOG facilities during both scheduled and unscheduled visits.
- (B) It is the responsibility and obligation of the user of the FOG facility to provide access to the FOG equipment for inspection by the District.
- (C) The refusal of any FOG facility to allow the District official or agent entry to or upon the FOG facility's premises for purposes of inspection, sampling effluents, inspecting and copying records, or performing other duties required by this Ordinance shall constitute a violation.

SECTION 5 – INDUSTRIAL WASTEWATER DISCHARGES

5.1 Applicable Users

This section applies to industrial users that discharge pollutants from non-domestic wastewater sources to the District's POTW. Industrial users include:

- (A) A categorical industrial user (CIU) or a significant industrial user (SIU) requiring an Industrial Wastewater Pretreatment (IWP) Permit from IDEM;
- (B) A user deemed by the District that has the potential to discharge specifically prohibited discharges described in Section 3.5;
- (C) A user that has the reasonable potential to discharge a pollutant above the local limits in Section 3.8; or
- (D) Any user deemed by the District that may adversely impact the POTW.

5.2 Pretreatment Requirements

- (A) Industrial users shall separate non-domestic, industrial waste from domestic wastewater to provide a single point of discharge for all non-domestic, industrial process waste to determine compliance with the requirements of this Ordinance.
- (B) Industrial users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all pretreatment standards and requirements, IWP Permit requirements (if applicable), local limits, and the prohibitions set out in this Ordinance within the time limitations specified by EPA, IDEM, or the District, whichever is more stringent.
- (C) Any equipment required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained in continuous, satisfactory, and effective operation by the user at their expense and shall be available for inspection and testing by the District.
- (D) Whenever deemed necessary, the District may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, and such other conditions as may be necessary to protect the sanitary sewer and determine the industrial user's compliance with the requirements of this Ordinance.
- (E) When requested by the District, an industrial user shall submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The District is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (F) The District may require an industrial user discharging into the sanitary sewer to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An Industrial User Discharge Permit may be issued solely for flow equalization. Detailed plans describing such facilities and operating procedures shall be provided with the Industrial User Permit application.
- (G) An industrial user shall provide, at the user's own expense, the District independent access and facilities (control manhole) for observation, measurement, and sampling of the building sewer and/or internal drainage systems. The District shall have full, twenty-four (24) hour access to the monitoring facility or facilities to conduct tests on the quality and quantity of effluent.
 - (1) The monitoring facility should normally be situated on the industrial user's premises. But the District may, when such a location would be impractical for purposes of providing for independent and unscheduled monitoring activities or cause undue hardship on the industrial user, allow the facility to be constructed in the public street, right-of-way, parkway, or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
 - (2) There shall be ample room in or near such control manhole or facility to allow accurate sampling preparation of samples for analysis.
 - (3) The facility, sampling, and measurement equipment shall be maintained in a safe and proper operating condition at the expense of the industrial user. The sampling and monitoring facilities shall be provided per the District'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 to enable District personnel to perform independent and unscheduled monitoring activities.

- (4) Any violation of the requirements for the construction of control manholes or monitoring facilities and installation and operation of monitoring equipment shall be punishable by a fine in an amount established by the District for each daily violation.
- (H) Industrial users shall provide a reliable measurement of the volume or quantity of industrial waste discharged into the sanitary sewer. The measurement shall be comprised of industrial waste only and exclude all domestic wastewater sources. The District may review the calibration procedure at the flow monitoring station and has the right to be present during calibration. If a flow meter is used, it shall be calibrated annually.
- (I) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (J) Users with excess discharge of trash may be required to install a grinder pump/station or other equipment to remove excess trash before entering the sanitary sewer.
- (K) Each industrial user shall protect the sewage works from accidental discharge of prohibited materials or other substances regulated by this Ordinance and 40 CFR 117. Equipment or structures to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's expense.

5.3 Industrial Wastewater Pretreatment Permit

- (A) All CIUs or SIUs proposing to connect or contribute to the District's sewer system shall obtain an IWP Permit from IDEM before discharging to the sewer system. Each industrial user who applies to IDEM for an IWP Permit shall submit a copy of the IDEM application and all supporting documents to the District on the same day as the application is submitted to IDEM.
- (B) Industrial users applying for an IWP Permit are still subject to the requirements of this Ordinance, including District Surveillance in Section 6.3.
- (C) All CIUs and SIUs with an IDEM IWP Permit will follow IDEM procedures and the terms and conditions of their IWP Permits. Users shall provide the District with copies of all correspondence with IDEM concerning reports, monitoring, notifications (Section 6.2), and permitting.
- (D) All industrial users with an IDEM IWP Permit shall self-monitor as described in their IWP Permit and provide a copy of such monitoring report to the District on the same day as it is submitted to IDEM. Industrial users may add the District to the distribution list in IDEM's electronic submittal program.
- (E) If an industrial user with an IDEM IWP Permit is required to implement BMPs, a copy of the BMP Program shall be provided to the District.
- (F) Changes in Facility Conditions or Ownership
 - (1) All industrial users with an IDEM IWP Permit must notify the District of any planned changes to their operations or systems that might alter the nature, quality, or volume of wastewater at least ninety (90) days before the change. The District may require the user to submit any information deemed necessary to evaluate the changed condition.

- (2) Planned significant changes subject to this section include, but are not limited to:
 - a. Expansion or addition of wastewater-generating production lines or processes;
 - b. Projected increases of twenty percent (20%) or more in monthly flow compared to the previous year's highest monthly flow or annual average flow over the previous year's annual average flow; and/or
 - c. The discharge of any previously unreported pollutants.
- (3) Any industrial user with a change in ownership will be recognized as a new industrial facility and must comply with the District's discharge limits per this Ordinance.
- (4) If a change in a business occurs, the property owner and/or user must inform the District of the change within thirty (30) days and provide details about the new type of business operating at the location.

5.4 District's Industrial User Discharge Permit Process

(A) Application.

- (1) All industrial users not classified as CIUs or SIUs, who discharge non-domestic waste must submit an Industrial User Discharge Permit Application to the District before contributing to the sewer system. This application must include construction plans detailing all sewer connections, a description of manufacturing activities, diagrams and descriptions of pretreatment facilities, fees, and any additional information requested by the District or specified on the application form.
- (2) Existing Connections. Any industrial user who was discharging non-domestic wastewater into the sewer system before the effective date of this Ordinance and wishes to continue such discharge must submit the Industrial User Discharge Permit Application within ninety (90) days of the effective date of this Ordinance. After one hundred eighty (180) days from the effective date of this Ordinance, continued discharge is prohibited unless in compliance with a permit issued by the District.
- (3) New Connections. Industrial users shall submit the Industrial User Discharge Permit Application at least ninety (90) days before discharging into the sewer system.
- (4) All construction shall be designed and built per the Standards and District-approved plans.

(B) Review process.

- (1) The District or designated representative will review the plans within ninety (90) days and provide comments or request additional information, as necessary. The District will issue written documentation confirming the approval or denial of the application. The property owner or applicant is responsible for all permit and technical review fees, including those incurred if an outside engineer or consultant is engaged to complete or assist with the plan review.
- (2) Any subsequent changes in the pretreatment facilities or method of operation must be reported to and approved by the District before the industrial user initiates the changes.

- (3) The District's review of modified plans and operating procedures does not relieve the industrial user of the responsibility to modify its facilities as necessary to produce a discharge acceptable to the District under this Ordinance's provisions.

(C) Approval.

An Industrial User Discharge Permit is subject to all provisions of this Ordinance and all other applicable rules and regulations, user charges, and fees established by the District. A permit shall be issued for a specified period, not to exceed five (5) years. Approvals may be issued for less than one (1) year or may be stated to expire on a specific date.

5.5 Confidential Information

- (A) Per 40 CFR 403.14, any information submitted to the District under these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the District may make the information available to the public without further notice. If a claim is asserted, the information will be treated per the procedures in 40 CFR Part 2 (Public Information). Information and data provided to the District according to this Ordinance, including effluent data, shall be available to the public without restriction. All other information which is submitted to IDEM or the District shall be available to the public at least to the extent provided by 40 CFR 2.302.
- (B) At the same time as requesting confidential treatment, the user must also show why the information is confidential under Indiana law. Once properly demonstrated by the user, the District shall take reasonable measures to prevent disclosure of the portions of the information that might reveal such confidential information. Notwithstanding the foregoing, nothing in this Ordinance shall prohibit the District from providing such information to governmental agencies upon their request and for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the information. Furthermore, unless ordered by a court or tribunal with jurisdiction, wastewater constituents and characteristics, as well as other effluent data, will not be recognized as confidential and will be made available to the public without restriction.

5.6 Permit Terms and Conditions.

An Industrial User Discharge Permit may contain the following:

- (1) Requirements as specified in this Ordinance;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and monitoring facilities;
- (5) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedule;
- (6) Compliance schedules;

- (7) Requirements for submission of discharge reports (Section 6.1);
- (8) Requirements for maintaining and retaining records relating to wastewater discharge as specified by the District, and affording District access thereto;
- (9) Requirements for notification to the District 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;
- (10) Requirements for notification of slug discharges as per Section 6.2; and
- (11) Other conditions deemed appropriate by the District to ensure compliance with this Ordinance.

(A) Modifications.

The District may modify an Industrial User Discharge Permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local pretreatment rules, standards or requirements;
- (2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of the approval;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the approved discharge poses a threat to the sanitary sewer, POTW, personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the Industrial User Discharge Permit Application or any required reporting; or
- (7) To correct typographical or other errors in the permit.

(B) Renewal.

The industrial user must apply for renewal at least ninety (90) days before the expiration of the Industrial User Discharge Permit. The terms and conditions of the permit may be subject to modification by the District as limitations or requirements are modified or other just cause exists. The industrial user shall be informed of any proposed changes from their current permit at least thirty (30) days before the effective date of the change. Any changes or new conditions in the permit shall include a reasonable schedule for compliance.

(C) Transfers.

Industrial User Discharge Permits are issued to a specific industrial user for a specific operation. An Industrial User Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the District. A transfer may be requested in writing to the District at least sixty (60) days before a new owner or user generates industrial waste. Any succeeding owner or user shall also comply with the terms and conditions of the existing approval and confirm that operations are not changing.

(D) Records Retention.

All information, records, books, etc., required under this Ordinance, whether prepared by or on behalf of the discharger, must be retained and preserved by the industrial user for a minimum of five (5) years from the date of creation. This period will be automatically extended for the duration of any litigation involving the industrial user or the District, or if the industrial user has been specifically notified of a longer retention period by the District, IDEM, or the EPA.

(E) Revocation of discharge approval.

- (1) The District may revoke an Industrial User Discharge Permit for good cause, including, but not limited to, any of the following:
 - a. Violation of any condition of the permit, this Ordinance, or other State or Federal law;
 - b. Failure to meet the terms and conditions of the permit;
 - c. Misrepresentation or failure to disclose all relevant facts in the application;
 - d. Failure to factually report wastewater characteristics; or
 - e. Refusal of reasonable access to the industrial user's premises for review of records, inspection, or monitoring.
- (2) Except in cases of willfulness or when public health or safety requires otherwise, the revocation, withdrawal, or suspension of the Industrial User Discharge Permit is lawful only if, before proceedings are initiated, the industrial user has been given written notice by the District of the facts or conduct that may warrant such action, and has been provided an opportunity to demonstrate or achieve compliance with all lawful requirements.

SECTION 6 – PRETREATMENT PROGRAM

6.1 Industrial User Monitoring and Reporting

- (A) Industrial users required to complete self-monitoring as described in their Industrial User Discharge Permit shall provide the monitoring results in a format provided by the District by the 28th of the following month. The monitoring report shall be provided to the District via electronic mail or a hard copy delivered or mailed to the District at the One Hamilton County Square, Suite 13, Noblesville, IN 46060 or other address provided by the District.
- (B) All analyses shall be performed under the procedures outlined in Standard Methods or, absent such standard methods, by analytical techniques approved by the USEPA.
- (C) Any non-CIU or non-SIU that is not in compliance with the local limits (Section 3.8) at the time of applying for an Industrial User Discharge Permit shall develop a compliance schedule to meet the District's standards for approval by the District. The schedule shall contain increments of progress that correspond to specific dates for their completion. All industrial users subject to a compliance schedule must submit a progress report to the District no later than fourteen (14) calendar days following each date in the compliance schedule. This report must include whether the user 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.

- (D) If sampling performed by an industrial user indicates a violation of any permit, SUO, statute, or regulation, the industrial user must notify the District verbally within twenty-four (24) hours of the violation and follow up in writing within five (5) days. The industrial user shall also repeat the sampling and analysis and submit the results of the report to the town within fifteen (15) days after the violation. The industrial user shall continue to sample until the District informs them in writing that additional sampling is not required.

6.2 Required Notifications

All industrial users shall notify the District in the following situations.

(A) Notification of Potential Problems, Accidental Discharges, Slug Loads, and Noncompliance

- (1) In case of an accidental discharge, it is the responsibility of the user to immediately (within one hour) telephone and notify the District at 317-776-1517 of the incident. The notification shall include:
 - a. Name of the company;
 - b. Location of discharge;
 - c. Type of waste discharged;
 - d. Concentration and volume of waste discharged;
 - e. Corrective actions taken to minimize the impact of the discharge to the POTW, and
 - f. Date and time of the occurrence.
- (2) The industrial user shall notify the District, within two (2) hours of the discharger obtaining knowledge, if it is unable to comply with any requirement of this Ordinance and/or any pretreatment standard because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in paragraph (1) above.
- (3) Within five (5) calendar days following an accidental discharge or incident of noncompliance, the industrial user shall submit to the District, or designee, a detailed written report signed by the user describing the:
 - a. Cause of the accidental discharge or noncompliance;
 - b. Period of the accidental discharge or noncompliance, including exact dates and times, or if not corrected, the anticipated time the noncompliance is expected to continue; and
 - c. Steps being taken and/or planned to reduce, eliminate, or prevent the recurrence of a similar incident again.
- (4) Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred because 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 Ordinance or other applicable law.

(B) Changes in Facility Conditions or Ownership

- (1) Industrial users with an Industrial User Discharge Permit must notify the District of any planned changes to their operations or system that might alter the nature, quality, or volume of wastewater at least ninety (90) days before the change. The District may require the user to submit any information deemed necessary to evaluate the changed condition, including the submission of an IWP Permit application to IDEM.
- (2) Planned significant changes which are subject to this section include, but are not limited to:
 - a. Expansion or addition of wastewater-generating production lines or processes;
 - b. Projected increases of twenty percent (20%) or greater in monthly flow over the previous year's highest monthly flow, or annual average flow over the previous year's annual average flow; and/or
 - c. The discharge of any previously unreported pollutants.
- (3) Any industrial with a change in ownership will be recognized as a new industrial facility and must submit an Industrial User Discharge Permit Application and comply with the District's discharge limits per this Ordinance.
- (4) If a change in a business occurs, the property owner and/or user must inform the District of the change within thirty (30) days and provide details about the new type of business currently operating at the location.

6.3 District Surveillance

(A) Industrial User Monitoring

- (1) The District shall sample and analyze each industrial user's discharge to maintain compliance with the District's NPDES Permit and assess the industrial user's compliance with their permit and this Ordinance. The parameters, sample type, and analytical methods shall align with those specified in the Ordinance and/or the industrial user's permit.
- (2) Monitoring by the District shall occur at least twice per calendar year, with a combination of scheduled and unscheduled monitoring events. The District may require more frequent monitoring based on the potential impact on the POTW, variability in types or amounts of pollutants discharged, or the concentration or loading of pollutants.
- (3) The District has the right to set up necessary devices on the user's property to conduct monitoring and/or metering operations. The District will sample at the location specified in an IWP Permit or Industrial User Discharge Permit.
- (4) The District shall provide a monitoring report to the industrial user, including the laboratory report, and maintain all sampling and analytical data at the POTW.
- (5) The strength of wastewaters shall be determined for the periodic establishment of surcharges as described in this SUO at such times, for such durations, and in such manner as the District may elect. Appropriate charges for sampling and analysis may be assessed to the user at the District's discretion. The results of routine sampling and analysis by the user may also be used to determine surcharges after verification by the District.

- (6) Any temporary or permanent obstruction to safe and easy access to the control manhole for sampling shall be promptly removed by the industrial user at the District's written or verbal request and shall not be replaced. The industrial user shall bear the costs of clearing such access.

(B) Industrial User Inspections

- (1) The District shall inspect each industrial user's facility to maintain compliance with the District's NPDES Permit and assess the industrial user's compliance with their permit and the Ordinance.
- (2) The District shall conduct at least one (1) scheduled inspection annually and may conduct additional inspections to investigate accidental discharges, spills, or other discharges from an industrial user.
- (3) Inspections will evaluate areas including, but not limited to, pretreatment systems, spill reporting and response procedures, sampling locations, industrial processes, and waste disposal methods.
- (4) The District shall provide an inspection report to the industrial user and maintain records at the POTW.
- (5) Where an industrial user has security measures in place that require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with its security personnel to ensure that District personnel can enter without delay, upon presentation of suitable identification, to perform their duties.
- (6) Unreasonable delays in allowing District personnel access to the industrial user's premises shall constitute a violation of this SUO.

6.4 Accidental Discharge/Slug Control/Solvent Management.

The District shall evaluate whether users need a plan or other action to control slug discharges. The District may require any user to develop, submit for approval, and implement such a plan or take other actions that may be necessary to control slug discharges. An accidental discharge/slug control/solvent management plan shall address, at a minimum, the following:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the District of any accidental or slug discharge that would violate pretreatment requirements or this Ordinance and the procedures for providing follow-up written notification within five (5) days;
- (D) Procedures to prevent adverse impact from any accidental or slug discharge including, but are not limited to, the following: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

6.5 Retention of Records

The District shall retain all records required by their NPDES Permit for a minimum of three (3) years and shall make such records available for inspection and copying by IDEM or the EPA. The

retention period shall be extended during any unresolved litigation regarding the discharge of pollutants by the industrial user, the operation of the pretreatment program, or when requested by IDEM or the EPA.

SECTION 7 – ENFORCEMENT

7.1 Damaging and Defacing Sewerage Works Property

A person shall not maliciously, willfully, or recklessly break, damage, destroy, uncover, deface, vandalize, or tamper with any structure, appurtenance, or equipment that is a part of the District sewer system.

7.2 Liability for Damage and Loss to the District

Any person who discharges sewage, industrial waste, or other waste into the sewer system in violation of this Ordinance, federal or state pretreatment requirements, or any other order of the District shall be liable for any damages, losses, and expenses incurred by the District because of such discharge or violation. The District may then seek legal and/or equitable relief in the appropriate court.

7.3 Falsifying Information

Any person who knowingly makes false statements, representations, or certifications in any permit, application, record, report, plan, or other document filed or required to be maintained under this Ordinance or a permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by this Ordinance, shall, upon conviction, be subject to a fine in an amount established by the District for each violation.

7.4 Informal Notification of Violation

When the District finds that a user has violated any provision of this Ordinance, the District may issue an informal Notice of Violation to the user via email, phone call, or other method. Within ten (10) days of receiving this notice, the user must submit an explanation of the violation and a plan for its satisfactory correction and prevention, including specific actions to be taken. The submission of this plan does not relieve the user of liability for any violations occurring before or after receiving the informal Notice of Violation.

7.5 Written Notification of Violation

When the District finds that a user has violated or continues to violate any provision of this Ordinance, the District may issue a written Notice of Violation, stating the nature of the violation and providing a reasonable time frame for its correction. The user must permanently cease all violations within the time specified in the notice. Within ten (10) days of receiving this notice, the user must submit an explanation of the violation and a plan for its satisfactory correction and prevention, including specific actions to be taken. Submitting this plan does not relieve the user of liability for any violations occurring before or after receiving the written Notice of Violation. Nothing in this section limits the District's authority to take any action, including emergency actions or other enforcement measures, without first issuing a Notice of Violation.

7.6 Administrative Orders

(A) Consent Orders.

The District may enter into consent orders, assurances of voluntary compliance, or other similar agreements with any user responsible for noncompliance. These documents will outline specific actions the user must take to correct the noncompliance within a specified timeframe. Such documents shall be enforceable in court.

(B) Compliance Orders.

When the District finds that a user has violated, or continues to violate, any provision of this Ordinance, it may issue an order directing the user to come into compliance within a specified time. If the user fails to comply within the given timeframe, sewer service may be discontinued unless adequate treatment facilities, devices, or related appurtenances are installed and properly operated. Compliance orders may also include additional requirements, such as self-monitoring and management practices, to reduce pollutant discharge into the sewer. A compliance order cannot extend the deadline for compliance with a pretreatment standard or requirement, nor does it relieve the user of liability for any violations, including continuing violations. Issuance of a compliance order does not prevent or require other actions against the user.

(C) Show Cause Hearing.

- (1) The District may order any user who violates this Ordinance to show cause before the Board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of the hearing, the reasons for the proposed action, the proposed enforcement action, and directing the user to show cause before the Board. The notice must be served personally or by registered or certified mail (return receipt requested) at least ten working days before the hearing. Service may be made on any agent or officer of a corporation.
- (2) The Board may conduct the hearing itself and take the evidence, or it may designate a representative to:
 - a. Issue notices of hearings in the name of the Board, requesting the attendance and testimony of witnesses, as well as the production of evidence relevant to the hearing;
 - b. Take the evidence;
 - c. Transmit a report of the evidence, including transcripts and other materials, along with recommendations to the Board for action.
- (3) At any hearing conducted under this Ordinance, testimony must be under oath, recorded, and transcribed. The transcript will be available to any member of the public or party to the hearing upon payment of the usual charges.
- (4) After reviewing the evidence, the Board may issue an order directing the user responsible for the discharge to have sewer service disconnected after a specified period unless adequate treatment facilities, devices, or related appurtenances are installed and properly operated. The Board may also issue additional orders or directives as necessary.

(D) Cease and Desist Order

- (1) When the District finds that a user has violated, or continues to violate, any provision of this Ordinance, or that the user's past violations are likely to recur, the District may issue an order directing the user to cease all such violations and to:

- a. Immediately comply with all requirements; and
 - b. Immediately take appropriate remedial or preventive actions to address the continuing or threatened violation, including halting operations and/or terminating the discharge.
- (2) Issuance of a cease-and-desist order does not prevent, nor is it a prerequisite for, taking any other action against the user.

7.7 Administrative Fines

When the District finds that a user has violated, or continues to violate, any provision of this Ordinance, the District may impose a fine of up to two thousand five hundred dollars (\$2,500.00) per day, per violation for a first offense, and up to seven thousand five hundred dollars (\$7,500.00) per day, per violation for subsequent offenses.

7.8 Cost Recovery

- (A) The District may recover reasonable attorneys' fees, court costs, and other expenses related to enforcement activities, including sampling, monitoring, and the cost of any actual damages incurred by the District.
- (B) If any user discharges waste causing the control authority to use sewer cleaning equipment, purchase chemicals, hardware or other materials for the purpose of cleaning to remove the pollutant or other obstructions from sewer lines, lift stations or wet wells, the District shall maintain the right to assess the user for the cost of materials and services.

7.9 Administrative Appeals

Any user affected by any decision, action, or determination including cease and desist orders or any action of the District interpreting or implementing the provisions of this Ordinance, any permit under it, or any action, decision, or regulation adopted by the District according to this Ordinance, may submit a written request for review, reconsideration, and a hearing to the Board within ten (10) days of the decision, action, or determination. The request must detail the facts supporting the user's request for reconsideration. The appeal shall be heard by the Board at the next regularly scheduled meeting. The decision, action, or determination by the District shall remain in effect during the reconsideration period.

7.10 Emergency Suspension

The District may immediately suspend a user's discharge, after informal notice, whenever necessary to stop or prevent a discharge that poses an imminent or substantial endangerment to the health or welfare of people. After providing notice and an opportunity to respond, the District may suspend a user's discharge if it threatens to interfere with the operation of the POTW or endangers the environment. A user notified of an emergency suspension must immediately stop or eliminate their contribution. If the user fails to comply, the District may take necessary actions, including severing the sewer connection, to prevent damage to the POTW and its receiving stream or to safeguard individuals. The District may allow the user to re-commence discharge once they have demonstrated to the Board's satisfaction that the endangerment has passed.

7.11 Termination of Discharge

Any user who violates the following conditions of this Ordinance or applicable state and federal regulations, is subject to having the user's permit or discharge approval revoked per the procedures set forth herein:

- (A) Failure of a user to factually report the wastewater constituents and characteristics of the user's 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 or the purpose of inspection or monitoring;
- (D) Violation of conditions of the permit or approval; or
- (E) Failure to comply with a cease-and-desist order or other administrative orders.

7.12 Judicial Enforcement Actions

(A) Injunction

When the District finds that a wastewater discharge violates any part of this Ordinance, or causes or threatens to cause pollution, the Board may petition the court for a preliminary or permanent injunction, or both, to restrain the continuation of such discharge.

(B) Civil Penalties

- (1) A user who has violated, or continues to violate, any provision of this Ordinance, permit, or pretreatment requirements or standards shall be liable to the District for a civil fine of up to two thousand five hundred dollars (\$2,500.00) for a first violation and up to seven thousand five hundred dollars (\$7,500.00) for a second or subsequent violation. In the case of a monthly or other long-term average discharge limit violation, the Court will determine the amount of civil liability, considering all relevant circumstances, including, but not limited to the extent of harm caused, the magnitude and duration of the violation, any economic benefit gained through the violation, corrective actions taken by the user, the user's compliance history, and any other factor the Court deems appropriate.
- (2) Filing a suit for civil fines does not preclude, nor is it a prerequisite for, taking any other action against the user.

(C) Criminal prosecution.

- (1) A user who willfully or negligently violates any provision of this Ordinance, permit, or order issued under this Ordinance, or any other pretreatment standard or requirement, may be subject to a fine and/or criminal prosecution, as applicable.
- (2) A user who willfully or negligently introduces any substance into the sanitary sewer that causes personal injury or property damage may be subject to a fine and/or criminal prosecution, as applicable.
- (3) A user who knowingly makes false statements, representations, or certifications in any application, record, report, plan, or other documentation required under this Ordinance, permit, or approval, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, may be subject to a fine and/or criminal prosecution, as applicable.