

RECODIFICATION OF THE TOWN OF LAGRANGE
SEWER USE ORDINANCE

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the town of LaGrange, Indiana, and providing penalties for violations thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF LAGRANGE, INDIANA:

Section 1.

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) “Administrative Fines” shall be a monetary charge assessed for an Industrial User (IU) who is found to have violated any provision of the Sewer Use Ordinance, or permits and orders.
- (b) “Administrative Order” (AO) shall be notification to the Industrial User of specific requirements that need to be met by a specific deadline.
- (c) “Ammonia” (NH-N) shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods” as defined in Section 1 (eee).
- (d) “Biochemical Oxygen Demand” (BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods”.
- (e) “Board” shall mean the Board of Trustees of LaGrange, Indiana, or any duly authorized officials or Boards acting in its behalf.
- (f) “Building (or House) Drain” - The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.

Building Drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building Drain - Storm - A building drain which conveys storm water or other clean water drainage, but no wastewater.

- (g) “Building (or House) Lateral Sewer” - The extension from the building drain to the sewerage system or other place of disposal. (Also called house connections).

Building Sewer - Sanitary - A building sewer which conveys sanitary or industrial sewage only.

Building Sewer - Storm - A building sewer which conveys storm water or other clean water drainage, but no wastewater.

- (h) “Cease and Desist Orders” – An Order issued to an IU that has violated, or continues to violate, any provision of the Sewer Use Ordinance, an individual wastewater discharge permit, order, or any other pretreatment standard or requirement.
- (i) “Chemical Oxygen Demand” (COD) of sewage, sewage effluent; polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in “Standard Methods”.
- (j) “Combined Sewer” shall mean a sewer intended to receive both wastewater and storm or surface water.
- (k) “Compatible Pollutant” shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works as designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
- (1) chemical oxygen demand,
 - (2) total organic carbon,
 - (3) phosphorus and phosphorus compounds,
 - (4) nitrogen and nitrogen compounds, or
 - (5) fats, oils and greases of animal or vegetable origin
(except as prohibited where these materials would interfere with the operation of the treatment works).
- (l) “Compliance Orders” – a formal time and management schedule contained in an enforcement order, established for the noncompliant IU to achieve compliance.
- (m) “Control Authority” (“CA”) shall mean the commissioner of the Indiana Department of Environmental Management.
- (n) “Consent Orders” – An agreement with an IU responsible for noncompliance.

- (o) “Easement” shall mean an acquired legal right for the specific use of land owned by others.
- (p) “EPA” – Environmental Protection Agency
- (q) “Enforcement Response Guide”-(ERG) Designates enforcement options for each type or pattern of noncompliance.
- (r) “Enforcement Response Plan” – (ERP)
- (s) “Fecal Coliform” shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- (t) “Floatable Oil” shall mean oil, fat or grease in a physical state such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- (u) “Garbage” - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.
- (v) “Incompatible Pollutant” - Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.
- (w) “IDEM” - Indiana Department of Environmental Management.
- (x) “Indirect Discharger” shall mean a nondomestic discharger introducing pollutants into a POTW, regardless of whether the discharger is within the governmental jurisdiction of the permittee.
- (y) “Industrial Pretreatment Coordinator” (IPC) person responsible for the day to day implementation of the Industrial Pretreatment Program.
- (z) “Industrial User” shall mean an indirect discharger.
- (aa) “Industrial Wastes” - Any solid, liquid or gaseous substances or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.
- (bb) “Infiltration” shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow).
- (cc) “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (dd) “Inflow” shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage.

(Inflow does not include, and is distinguishable from infiltration).

- (ee) “Informal Notice” - Is a documented phone call, written warning, or a meeting notifying the IU of minor incidences that have occurred and that need to be corrected.
- (ff) “Inspector” shall mean the person or persons duly authorized by the Town through its Board of Trustees to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (gg) “Interference” shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:
 - (1) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
 - (2) Causes a violation of any requirement of the POTW’s NPDES permit, including an increase in the magnitude or duration of a violation.
 - (3) Prevents the use of the POTW’s sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:
 - (A) Section 405 of the Clean Water Act (33 U.S.C. 1345)
 - (B) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - (a) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
 - (b) The rules contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA (42 U.S.C. 6941).
 - (C) The Clean Air Act (42 U.S.C. 7401).
 - (D) The Toxic Substances Control Act (15 U.S.C. 2601).
- (hh) “NOV” – Notice of Violation is the initial formal enforcement action for a violation.
- (ii) “NPDES Permit” - National Pollutant Discharge Elimination System Permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of Public Law 95-217.
- (jj) “Natural Outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (kk) “Normal Domestic Sewage” shall have the same meaning as defined in the Sewer Rate Ordinance.

- (ll) “Pass-through” shall mean 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.
- (mm) “pH” shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- (nn) “Person” - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representative, agents, or assign. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- (oo) “Phosphorus” (P) shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in “Standard Methods” as defined in Section 1 (eee).
- (pp) “Pretreatment” - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under Section 307 of PL 95-217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.
- (qq) “Pretreatment Requirements” shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user, including applicable local limits.
- (rr) “Pretreatment Standards” shall mean:
- (1) State pretreatment standards as established in 327 IAC 5-18-8;
 - (2) Pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2;
 - (3) National categorical pretreatment standards incorporated by reference in 327 IAC 5-18-10.
- (ss) “Private Sewer” shall mean a sewer which is not owned by public authority.
- (tt) “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such 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 (1/2) inch in any dimension.

- (uu) “Publicly Owned Treatment Works” (“POTW”) means a treatment works owned by the state or a municipality, 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 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 that has jurisdiction over the indirect discharges to and the discharges from such treatment works.
- (vv) “Public Sewer” shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:
- “Collector Sewer” shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- “Interceptor Sewer” shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- “Force Main” shall mean a pipe in which wastewater is carried under pressure.
- “Pumping Station” shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- (ww) “Sanitary Sewer” shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.
- (xx) “Sewage” shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The three most common types of sewage are:
- “Sanitary Sewage” shall mean the combination of liquid and water-carried wastes, discharged from toilet and other sanitary facilities.
- “Industrial Sewage” shall mean 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 shall include the wastes from pretreatment facilities and polluted cooling water).
- “Combined Sewage” shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.
- (yy) “Sewage Works” shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- (zz) “Sewer” shall mean a pipe or conduit for carrying sewage.
- (aaa) “Shall” is mandatory; “May” is permissive.

- (bbb) “Show Cause Hearing” – Is when the IU and the POTW meet to discuss the cause and effect of the violation.
- (ccc) “Significant Industrial User” (“SIU”) – shall mean the following:
- (1) Industrial users subject to pretreatment standards under 327 IAC 5-18-10.
 - (2) An industrial user that:
 - (A) 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;
 - (B) Contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (C) Is designated as a significant industrial user by the control authority 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.
 - (3) The control authority may, on its own initiative or in response to a petition received from an industrial user or a POTW and in accordance with 327 IAC 5-19-3(6), determine that an industrial user is not a significant industrial user if it does not meet part III.A.9.b.(3) of this permit.
- (ddd) “Slug” - Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes, more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and which adversely affects the sewage works.
- (eee) “Standard Methods” shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” prepared and published jointly by the American Public Health Association, the American Water Works Association and The Water Pollution Control Federation.
- (fff) “Storm Sewer” shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- (ggg) “Superintendent” shall mean the Superintendent of the municipal sewage works of the town of LaGrange, Indiana, or his authorized deputy, agent or representative.

- (hhh) "Suspended Solids" (SS) - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods".
- (iii) "Total Solids" shall mean the sum of suspended and dissolved solids.
- (jjj) "Toxic Amount" - Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (PL 95-217).
- (kkk) "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (lll) "Violations" shall mean any sampling, monitoring, or reporting deficiencies whether unintentional or otherwise.
- (mmm) "Volatile Organic Matter" shall mean the material in the sewage solids transformed to gases or vapors when heated to 500 degrees C for 15 to 20 minutes.
- (nnn) "Wastewater" shall mean water in which sewage has been discharged.
- (ooo) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (ppp) Any terms not defined herein, but defined in the Sewer Rate Ordinance (Ordinance No. _____) shall have the same meaning herein.

Section 2.

- (a) It shall be permissible for the Town to impose fees, to offset the costs incurred by the permittee for administering the pretreatment program requirements established in this ordinance.
- (b) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town or in any area under the jurisdiction of said Town, any human excrement, garbage or other objectionable waste.
- (c) It shall be unlawful to discharge to any natural outlet or watercourse within the town, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with the laws of the United States, State of Indiana, and the town.

- (d) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial water.
- (e) No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and SS.
- (f) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted water except where suitable treatment has been provided in accordance with provision of this ordinance and the NPDES permit.
- (g) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.
- (h) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (i) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting on any street, alley or right-of-way in which there is now located a public sanitary or combined sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this ordinance, within One Hundred Eighty (180) days after date of official notice to do so, provided that said public sewer is within Five Hundred (500) feet of the property line of any residence or existing business, or within One Thousand (1,000) feet of any property line of a new business or subdivision sought to be platted, developed or constructed. For purposes of this ordinance, a new business shall include any business, industrial or commercial use and subdivision shall include all those items as same is defined by the LaGrange County Zoning Ordinance.

Section 3.

- (a) Where a public sanitary or combined sewer is not available under the provisions of Section 2(g), the building sewer shall be connected to a private sewage disposal system complying with the provisions of the LaGrange County Health Department in conjunction with ISBH Rule 410 IAC 6-8 (Residential Sewage Disposal Systems).
- (b) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2(d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material. When a public sewer becomes available, the building sewer shall be connected to said

sewer within One Hundred Eighty (180) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

- (c) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- (d) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the LaGrange County Health Officer.

Section 4.

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit and paying a tap fee from the Clerk Treasurer.
- (b) The owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specification or other information considered pertinent in the judgment of the Inspector. A sewer permit fee of One Hundred Dollars (\$100.00) and an inspection fee of Ten Dollars (\$10.00) shall be paid to the Clerk Treasurer at the time the application is filed.
- (c) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- (f) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, joint testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

- (h) No person shall make connection of roof downspouts, basement drains, sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (i) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (j) Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the town.
- (k) Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Wastewater Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Wastewater Superintendent, to a storm sewer, combined sewer, or natural outlet.
- (l) The connection of a building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of A.S.T.M. and W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- (m) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer, and said inspection will be made.
- (n) All excavations for building sewer installation must be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 5.

- (a) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Board will give consideration to the sewers, nature of the sewage treatment process, capacity of the

sewage treatment plant and other pertinent factors. The substances prohibited are:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which create a fire or explosion hazard in the Town of LaGrange's Wastewater Treatment System including, but not limited to, substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred forty (140) degrees Fahrenheit (0 and 60 degrees C).
- (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes having a pH lower than 5.0 SU and greater than 9.0 SU or having any other corrosive property capable of causing damage or hazard to structure, equipment and personnel of the sewage works, or that interferes with any treatment process.
- (4) Heat in an amount that could:
 - (A) Inhibit biological activity in the POTW and result in interference or damage to the POTW; or
 - (B) Exceed forty (40) degrees Celsius or one hundred four (104) degrees Fahrenheit at the POTW treatment plant unless the commissioner, upon request of the POTW, approves alternate temperature limits.
- (5) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between Thirty-two (32) and One Hundred Forty (140) degrees Fahrenheit and Zero (0) and Sixty (60) degrees Celsius.
- (6) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board or Wastewater Superintendent.
- (7) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (8) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Wastewater Superintendent for such materials.
- (9) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by

- the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (10) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
 - (11) Any water, wastes or wastewater which exerts or cause:
 - (A) A pollutant from any source of nondomestic wastewaters that could pass through or cause interference with the performance or operation of the POTW.
 - (B) Unusual concentrations of inert suspended solids (such as, but limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited, to sodium chloride and sodium sulfate).
 - (C) Obstruction to the flow in the town sewers, or other interference with the proper operation of the wastewater treatment plant.
 - (D) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (E) A pollutant, including an oxygen demanding pollutant (such as biochemical oxygen demand) released in a discharge at a flow rate or pollutant concentration that could cause interference in the POTW.
 - (F) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.
 - (12) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 - (13) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharged in any manner whatsoever, any substance into a sewer at a point different than the proposed sewer connection to the sanitary sewer system.
- (b) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5(b) of this article, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Board may:
- (1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.

- (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
 - (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.
 - (4) Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.
- (c) If the Wastewater Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Wastewater Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes they shall be maintained continuously in satisfactory and effective operation by the owners at his expenses; or

Require payment of a surcharge on any excessive flows or loading discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

- (d) When required by the Superintendent, the owner or any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times. Agents of the Town, the State Water Pollution Control Agencies, and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.
- (e) All measurements, tests and analyses of the characteristics of water and waste to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for application for NPDES permits and report thereof such shall be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the Town. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken.

Normally, but not always, BOD and SS analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples).

- (f) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste or unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

Section 6.

No person shall discharge or cause to be discharged to the POTW's headworks:

- (1) Any trucked or hauled industrial process or hazardous wastes.
- (2) Any septic tank waste, except at discharge points designated by the POTW and with unexpired waste hauler discharge permits.

Section 7.

Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the USEPA (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), require compliance with all applicable pretreatment standards and requirements by indirect dischargers, in addition to any more stringent requirements established by the Town and subsequent State or Federal Guidelines and rules and Regulations.

Section 8.

Plans, specifications and any other pertinent information relating to pretreatment of control facilities shall be submitted for approval of the Town, and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with the applicable Federal, State and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against town monitoring records.

Section 9.

Unpolluted water from air conditioners, cooling, condensing systems or swimming pools

shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana.

Section 10.

Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.

Section 11.

The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the users' expense. If made by the town, an appropriate charge may be assessed to the user at the option of the Town.

Section 12.

- (a) Grease, oil, and sand interceptors or traps shall be provided when, in the opinion of the town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or types will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight and equipped with easily removable covers. The Wastewater Superintendent shall review and approve all such grease, oil and sand interceptors or traps prior to their installation and the facility using Town services. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times. Maintenance activities of all grease, oil and sand interceptors or traps shall be documented as to the date, maintenance vendor, disposal site and disposal date. Documentation shall be submitted to the Wastewater Superintendent no later than 30 days following each maintenance activity. Industrial users shall provide written details of the proposed grease trap, for review and ultimate approval by the Wastewater Superintendent.
- (b) Industrial users shall provide necessary wastewater treatment as required to comply with the ordinance and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the WWTP shall be

provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the town for review and approval of such plans by IDEM before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the town under the provisions of this Article. Any subsequent significant modification in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to the town prior the Industrial User's initiation of the changes.

- (1) When the POTW demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, and any amendments thereto, the Town of LaGrange may apply to the Administrator of EPA, or IDEM, for authorization to give a removal credit to reflect removal toxic or other regulated pollutants by the Town of LaGrange's Wastewater Treatment System.
- (2) Federal categorical pretreatment standards found under the appropriate Part of 40 CFR Chapter I, Subchapter N, or state requirements and limitations on discharges shall apply in any case where they are more stringent than those in this Article.

Section 13.

Users of the treatment works shall immediately notify the Town of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

Section 14.

All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be, in effect.

Section 15.

No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest.

Section 16.

- (a) The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in Section 16(a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5(e).
- (c) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the town holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 17.

ADMINISTRATIVE ENFORCEMENT REMEDIES

(a) Notification of Violation

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may serve upon that User a written Notice of Violation. Within seven (7) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(b) Consent Orders

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

(c) Show Cause Hearing

The Superintendent may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in this ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

(d) Compliance Orders

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

(e) Cease and Desist Orders

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

to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(f) Administrative Fines

- A. When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may fine such User in an amount not to exceed \$7,500. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance, and interest shall accrue thereafter at a rate of three percent (3%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.
- C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(g) Emergency Suspensions

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

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply

voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the of endangerment has passed, unless termination proceedings in this ordinance are initiated against the User.

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

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

(h) Termination of Discharge

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

- A. Violation of individual wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in this ordinance.

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

JUDICIAL ENFORCEMENT REMEDIES

(a) Injunctive Relief

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the [insert name of appropriate Court] through the Town of La Grange Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or

other requirement imposed by this ordinance on activities of the User. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(b) Civil Penalties

- A. A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Town of LaGrange for a maximum civil penalty of \$7,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Town of LaGrange].
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

(c) Criminal Prosecution

- A. A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$7,500 per violation, per day, or imprisonment for not more than one (1) year, or both.
- B. A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$7,500, or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- C. A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, individual wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall, upon conviction,

be punished by a fine of not more than \$7,500 per violation, per day, or imprisonment for not more than one (1) year, or both.

- D. In the event of a second conviction, a User shall be punished by a fine of not more than \$7,500 per violation, per day, or imprisonment for not more than one (1) year, or both.

(d) Remedies Nonexclusive

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

Violations.

- (a) Any person found to be violating any provisions of this Ordinance shall be served by the Town with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, immediately halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW.
- (b) Any person permitting said violation to occur, causing said violation to occur, or being the named or record user of the sewer at the site where the violation occurred, shall be charged a one time fine as a result of said violation, such fine including but not limited to any costs of clean-up, correction, or expenses incurred by the sewer plant as a result of said violation, as well as any professional fees, including attorney's fees incurred as a result of the violation and its clean-up.
- (c) Any person who shall continue any violation beyond the time limit provided for in Section 17(a) shall be guilty of a major violation, and on conviction thereof shall be fined at least one thousand dollars (\$1,000) per day, per violation, in accordance with 40 CFR 403.8(f)(1)(vi)(A), but no more than two thousand five hundred dollars (\$2,500) per day, per violation for a first violation nor more than seven thousand five hundred dollars (\$7,500) per day per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B). Each day in which any violation shall continue after the date referred to in Section 17(a) shall be deemed a separate offense.
- (d) Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation, including but not limited to, professional and attorney's fees incurred.

Section 18.

The Town of LaGrange reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater system than those in this Article if deemed necessary to comply with the objectives presented in this Article.

Section 19.

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

Section 20.

National Categorical Pretreatment Standards

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, subchapter N, Parts 405-471.

Section 21.

State Pretreatment Standards

Users must comply with State Pretreatment Standards codified at 327 IAC 5-17 through 327 IAC 5-21.

Section 22.

The Town 'reserves' Section 22 for placement of the local limits once they have been submitted and approved by IDEM.

PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF
LAGRANGE ON THE 20th DAY OF January, 2014.

LAGRANGE TOWN BOARD OF TRUSTEES

Bruce Rayburn
by ap/
J. C. Ray
Raymond E. Sower

Attest:

Laurel D. Miller
Clerk-Treasurer

