Town of Redkey, Indiana

Sewer Use Ordinance

Ordinance No. 2014-2

TOWN OF REDKEY, INDIANA

SEWER USE ORDINANCE No._____ Dated _____

The purpose of this Ordinance is to establish rules and regulations for users that will protect the integrity of the sewer system and the operating performance of the wastewater treatment plant.

Sec. 1 Definitions

The meaning of the terms used in this Ordinance shall be as follows:

1. " Council" Shall mean the Town Council of the Town of Redkey.

2. " Carbonaceous Biochemical Oxygen Demand" (CBOD) shall mean the rate of oxygen uptake due to carbon contaminants in a sample of water at 20 degrees centigrade over a period of five days in the dark when a nitrification inhibitor is added.

3. " Building Drain" shall mean the piping within a building which conveys drainage to a point three feet outside the building.

4. "Building Lateral" shall mean the extension of the building drain to the public sewer."

5. " Combined Sewer" shall mean a sewer intended to convey both wastewater as well as storm or surface water.

6. " Compatible Pollutant" shall mean materials the wastewater treatment plant is designed to treat such as CBOD, Suspended Solids, Fecal Coliiform, and ammonia within the limits specified in the Town's NPDES permit

7. " Fecal Coliform" shall mean any number of organisms common to the intestinal tract of man and animals whose presence in wastewater is an indication of pollution.

8. " Incompatible Pollutant" shall mean any pollutant that is not defined as a compatible pollutant which may cause pass through or interfere with the performance of the wastewater treatment plant.

9. " Floatable Oil" shall mean oil, fat or grease that can be separated from wastewater by treatment in a pretreatment facility approved by the Town

10. " Industrial Waste" shall mean the liquid waste from industrial manufacturing processes or business as distinct from residential waste.

11. " Infiltration" shall mean the water entering the sewer system from the ground including building drains, sewers, laterals, defective pipes, joints and connections.

12. " Inflow" shall mean water entering the sewer directly from such sources as roof drains, sump pumps, foundation drains, cooling water discharges, manholes and other sources of clear water.

13." Inspector" shall mean the person or persons duly authorized by the Town through the Town Council, to inspect and approve the installation and connection of building sewers as well as inspection of industrial and commercial treatment facilities.

14. " Significant Industrial User" (SIU) shall mean an industry that:

(a) Discharges an average of 25,000 gallons per dayor more of process water excluding sanitary, non-contact cooling water and boiler blowdown

(b)Contributes a process wastestream that makes up five percent (5%) or more of theaverage dry wearger hydraulic or organic capacity of the POTW.

(c) Is designated as a significant industrial user by the Control Authority on the basis that the SIU has a reasonal potential to adversely affect the POTW's operation, violate a pretreatment standard, or violate a requirement of 327 IAC 5-19-3

15. " NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters into the navigable waters of the United States pursuant to ection 302 0f PL 92-500.

16. " Natural Outlet" shall mean any outlet including combined sewer

overflows and storm sewers into a watercourse, pond, ditch lake or other body of water.

17, "Normal Domestic Wastewater" shall be defined as having no greater strength than:

- CBOD - Not more than 220 mg/l.
- Suspended Solids - Not more than 220 mg/l.
- Ammonia N - Not more than 15 mg/l.
- Total phosphorus - Not more than 6 mg/l

18. " pH" shall mean the reciprocal of the hydrogen ion concentration which is the weight of hydrogen ions in grams per liter of solution.

19. "Pretreatment" shall mean the treatment of industrial wastewater prior to discharge into a public treatment works.

20. " Public Sewer" shall mean a sewer that is owned and operated by a public authority.

21. " Sanitary Sewer" shall mean a sewer which carries sanitary and industrial wastes and to which storm, surface and ground water are not intentionally admitted.

23. " Sanitary Wastewater" shall mean the combination of liquid and water carried wastes discharged from toilet and other sanitary plumbing facilities.

24. " Industrial Wastewater" shall mean the combination of liquid and water carried wastes discharged from any industrial establishment resulting from a process carried on in that facility including wastes from pretreatment facilities and polluted cooling water.

25. " Combined Wastewater" shall mean sanitary and industrial wastewater, storm water, inflow and infiltration carried into the wastewater treatment facilities by a combined sewer.

26. " Sewage Works" shall mean the structures, equipment and processes that collect, transport and treat domestic and industrial wastes and dispose

of the effluent and residual wastes.

27. ' "Shall" is mandatory "May" is permissive.

28. " Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or volume of flow and has an adverse impact on the performance of the treatment plant.

29. " Standard Methods" shall mean the laboratory procedures set forth in the latest edition 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 Environment Federation

30. " Storm Sewer" shall mean a sewer for conveying water, groundwater or unpolluted water from any source to which sanitary and/or industrial wastes are not intentionally admitted.

31. " Superintendent" shall mean the Superintendent of the municipal wastewater treatment facilities of the Town of Redkey

31 " Suspended Solids" shall mean solids that either float on the surface or are in suspension in water, wastewater or other liquids .which are removable by laboratory filtering under standard laboratory procedures.

32. " Total Solids" shall mean the sum of suspended and dissolved solids.

33.' Toxic Amount" shall mean the concentration of any pollutant or combination of pollutants which upon exposure or assimulation into any organism will cause adverse effects such s cancer, genetic mutations and physiological manifestations as defined in standards issued pursuant to Section 307 (a) of PL 92-500.

34. " Volatile Organic Matter shall mean the material in the wastewater solids transformed into gases or vapors when heated at (55) degrees Centigrade for fifteen to twenty minutes.

Section 2. Water and Wastewater Discharge Regulations

1. Any home, building or other structure that is to be connected to a combined storm and sanitary sewer shall have separate laterals. At such time as separate storm and sanitary sewers become available, the sanitary lateral shall be disconnected from the combined sewer and connected to the new sanitary line.

2. No new combined storm/sanitary sewers shall be constructed in the Town of Redkey and no approval for subdivision plans shall be given if such plans call for the construction of a combined sanitary/storm sewer.

3. The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the Town's wastewater treatment system, pumping stations, for the construction and use of house laterals and connections and for the regulation, and collection of wastewater rates and charges.

4. 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, sump pumps, subsurface drainage, cooling water, unpolluted water or unpolluted industrial water.

5. Storm water, surface, water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation with the specific approval of the Town.

6. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank cesspool or other facilities intended for the disposal of wastewater.

7. The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting any street, alley or right-of-way in which a public

22. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sump pump discharge, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer. Such waters and all other unpolluted waters shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent

23. Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent,they are necessary to prevent an adverse effect on the public sewer system and the wastewater ttreatment plant; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be readily and easily accessible for cleaning and inspectionThe owner shall maintain the grease and oil interceptor in continuously efficient operation at all times at his/her expense.

Section 3 Prohibited Discharges

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

(a) Any gasoline, benzene, naptha, fuel oil or other flamable or explosive liquid, solid or gas including wastestreams having a flashpoint of less than 140 degrees F.

(b) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity tointerfere with any wastewater treatment process, constitute a hazard to humans or animals, create a a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.

(c) Any wastes having a pH lower than five point zero (5.0) or having any other corrosive property capable of causing damage tostructures, equipment and personnel of the treatment plant or interfere with any treatment process.

(d) Any solid or viscous substances in quantities or size capable of causing obstruction of flow in the sewers or interference with the proper operation of the treatment plant.

(e) Any waters or waste having a pH greater than nine point five (9.5).

(f) Any waters or wastes containing substances which are not amenable to treatment or adequate reduction by the treatment process employed are prohibited. No waste introduced to the treatment plant shall pass through or interfere with the operation or performance of the treatment works.

Section 4. Authority to Inspect.

(a) The Superintendent, Inspector and any other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance. The Superintendent shall have no authority to inquire into any process including metallurgical, chemical, oil, refining ceramic, paper or other industries beyond that point of having a direct bearing on the source and kind of discharge to the public sewer or waterways or facilities for wastewater treatment.

(b) While performing the necessary work on private properties referred to in Section 4 (a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises and the company or individual shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company or individual against loss totheir property by the Town employees and against liability claims and demands for personal injury or property damage asserted against the company or individual as a result of the observations, flow measurement and sampling operatios, except as may be caused by negligence or failure of the company or individual to maintain safe conditions.

(c) The Superintendent and other duly authorized employees of the Town bearing proper credentials shall be permitted to enter all private properties through which the Town holds a valid easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater works lying within the said easement. All entry and subsequent work, if any shall be done in full accordance with the terms of the duly negotiated easement pertaining to the property involved.

Section 5. Violations and Penalties

(a) Any person found to be violating any provisions of this Ordinace except Sections 6 and 7 shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender, within the specified period of times hall permanently cease all violations.

(b) Any person, company or other entity who shall continue any violation beyond the time limit provided for in the notice of violation shall be guility of an infraction and upon conviction shall be fined in an amount not exceeding $ 2500.00 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. 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.

Section 6. Pretreatment of Industrial Wastes.

(a) Pretreatment of industrial wastes from major contrubuting industries prior to discharge to the treatment works is required and subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA). and published in the Federal Register on August 25, 1978 40 CFR Part 403) and Federal Guidelines Establishing Test Procedures For Lab Analysis of Pollutants published in the Federal Register on October 16, 1973 (40 CFR Part 136) and subject to to any more stringent requirements established by the Indiana Department of Environmental Management, the Town or any subsequent State or Federal guidelines, Rules and Regulations.

(b) If any waters or wastes are discharged or proposed to be discharged to the public sewers which contain substances which in the judgement of the Superintendent may have an adverse effect upon the public sewers, treatment plant process, equipment , or receiving waters or which may otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- Require the industry to submit detailed information on the wastewater characteristics and obtain prior approval for discharge.

- Reject the wastewater in whole or in part for any reason deemed appropriate by the Town
- Require pretreatment of the wastewater within the limits of normal wastewater as defined herein.
- Require flow equalization to prevent "slug" loads to the treat ment plant.
- Require payment of a surcharge for any excessive flow or loadings to cover the additional cost of treatment for excessive flows and or loads
- Require approval of the design, and installation of pretreatment facilities

(c) When required by the Superintendent, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters, and other appurtenances to facilitate observation, sampling and measurement of such wastes. Such structures shall be accessible and shall be constructed in accordance with plans approved by the Superintendent. The sampling manhole shall be installed and maintained by the industry at its expense and accessible at all times.

(d) All measurements, tests and analysis of the characteristics of waters and wastes 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 Pubic Health Association. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the wastewater treatment plant and to determine the existance of hazards to humans and property. The particular analysis involved will determine whether a twenty- four (24) hour composite sample or whether a grab sample should be taken. Normally, CBOD and suspended solids are obtained from twenty four (24) hour composite samples and pH's are obtained from periodic grab samples.

(e) Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted to the Town for approval and no construction shall commence until approval in writing is granted. The pretreatment facilities shall be maintained and operated in a satisfactory manner by the owner at his/her expense and shall be subject to periodic inspection by the Town. The owner shall maintain operating records and shall submit monthly reports to the Town indicating the character of the

influent and effluent of the pretreatment facilities.

(f) Indirect dischargers shall comply with all pretreatment standards and requirements.

(g) A user of the Publically Owned Treatment Works (POTW) shall not allow the introduction of the following into the treatment works:

1. A pollutant from any source of nondomestic wastewaters that could pass through or cause interference with the operation or performance of the POTW.

2. A pollutant that could cause a fire or explosion hazard in POTW, including waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit using the test methods in 40 CFR 261.21.

3. A pollutant that could cause corrosive structural damage to the POTW including a discharge with a pH lower than five. zero (5.0).

4. A solid or viscous pollutant in an amount that could cause an obstruction in a sewer or other interference with the operation of the POTW.

5. A pollutant including an oxygen demanding pollutant like CBOD released at a flow rate or concentration that could cause interference in the POTW.

6. 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 (240) degrees Fahrenheit at the POTW treatment plant unless the Commissioner approves alternate temperature limits.

7. A pollutant that could result in the presence of toxic gasses, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety pooblems.

8. A trucked or hauled pollutant unless approved by the POTW at a designated discharge point.

Section 7. Specific Pollutant Limitations

The following pollutant limits are established to protect against pass through and interference with the POTW operation. No person shall discharge wastewater containing in excess of the following maximun allowable daily and monthly average limits.

Pollutant	Daily Maximum	Monthly Maximum
Cadmium	0.60 mg/l	0.20 mg/l
Chromium	6.0 mg/l	2.0 mg/l
Copper	6.0 mg/l	2.0 mg/l
Cyanide	1.9 mg/l	1.0 mg/l
Lead	6.0 mg/l	2.0 mg/l
Nickel	6.0 mg/l	2.0 mg/l
Zinc	12.0 mg/l	4.0 mg/l
PCB's	0.009 mg/l	NA
Oil & Grease	100 mg/l	

Section 8. Violations and Penalties

Any person found to be violating any of the provisions of Sections 6 and 7 of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for satisfactory correction thereof. The offender shall within the period of time specified in the notice permanently cease all violations.
Any person who shall continue any violation beyond the specified time limit shall be guilty of an infraction and on conviction thereof shall be fined in an amount not to exceed twenty five hundred dollars ($2500.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any provisions of this Ordinance shall become liable by the Town for any expense, loss or damage occassioned by the Town by reason of such violation.

Section 9. Conflicting Provisions Repealed.

1. Develop and enforce specific limits on prohibited substances.

2. Enter the premises of any industrial user to conduct inspections, surveillance and monitoring as necessary to determine compliance with the SUO and if applicable, any industrial wastewater pretreatment program.

3. Accept or deny any new or increased discharges from any industrial user.

4. 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 or which threatens to interfere with the operation of the POTW.

5. Require compliance with all pretreatment standards and requirements by indirect dischargers.

6. Impose fees, if necessary to offset the cost incurred by the permitee for administering the pretreatment program requirements established in the Town's NPDES permit.

7. Impose a fine not to exceed $2500.00 per day per violation in accordance with 40 CFR 403.8(f) (1) (vi) (A). Each day shall be considered a separate violation.

Section 10 Surcharge for Excess strength Wastes

- Suspended Solids - there shall be an additional charge of 12 cents per pound of Suspended Solids in excess of 220 mg/l of fluid.

- BOD - There shall be an additional charge of 12 cents per pound of BOD in excess of 220 mg/l of fluid.

- Ammonia Nitrogen (NH-N) - There shall be an additional charge of 40 cents per pound of NH-N in excess of 15 mg/l of fluid.

Section 11. Description of Enforcement Actions

The following description of enforcement actions indicate the procedures

the Town will follow to investigate and correct permit violations by Industrial Users (IU). More detailed procedures can be found in the Town's Emergency Response Plan (ERP) Ordinance..

1. Informal Notice. An Informal Notice may be either a documented phone call, written warning or a meeting notifying the IU of minor incidents that have occurred and need to be corrected. Repeat performance of the same incident or escalation of the incident will result in escalated enforcement action.

2. Notice of Violation (NOV) An NOV is the initial formal enforcement action for a violation. The certified letter notifies the IU signatory authority of the violation and requires the following:

- Immediate corrective action or steps being taken to correct the problem;
- Increased sampling of the parameter in violation within 30 days;
- A written response within ten business days of receipt of the NOV;

3. Administrative Order (AO) An Administrative Order is notification to the IU to undertake or cease specific activities by a specific deadline. It is the first formal response to significant noncompliance (unless factors necessitated escalated enforcement actions). It may contain compliance schedules, administrative fines, termination of service and show cause orders. In addition, it specifies the name of the parties involved, statement of the facts, the requirements to ensure compliance and the enforcement associated with future noncompliance.

4. Enforcement Compliance schedule (ECS) A Compliance schedule is a formal time and management schedule contained in an enforcement order issued to the non-compliant IU to achieve compliance with the categorical or local pretreatment standards. The Schedule contains dates for starting and completing major events leading to compliance. In addition, the Schedule shall contain the following:

- Monitoring requirements including monitoring locations.
- How the data will be used for evaluating compliance.
- Enforcement associated with noncompliance.
- Closure date after which the IU will be considered either non-compliant with the established compliance schedule or evaluated for compliance.

5. Show Cause Hearing (SCH) A show Cause Hearing is when the IU and the POTW meet to discuss the effect of the violation, as well as the enforcement action the IU will be subject to. The IU may present its case as to why the violation occurred and why further enforcement should not be applied. Corrective actions to be taken can also be part of this meeting.

6. Termination of Service Termination of Service is the revocation of an IU's privilege to discharge non-domestic wastewater into the sewer system. Termination of service is used when the discharge from the IU presents an imminent danger to the health or welfare of persons, or the environment, or threatens to interfere with the POTW's operation, or as an escalating enforcement action to a significant violation when a non-compliant IU fails to respond adequately to previous enforcement actions. Termination of service may be accomplished by physical severance of the IU.s connection to the sewer system, issuance of a cease and desist order which compels the IU to immediately terminate its discharge, revocation of the discharge permit or a court ruling.

7. Administrative Fines (AF) An Administrative Fine is a monetary fine assessed by the Town rather than by a court. The penalty authority must be authorized in the POTW's SUO. The purpose of the fine is to recover the economic cost of the non-compliance and to deter future violations. When assessing an economic fine , the following factors are considered:

- Type and severity of the violation.
- Number of violations cited.
- Duration of non-compliance.
- Impact of the violation on the receiving stream.
- Impact of the violation on the POTW operation and permit parameters.
- Whether the violation threatened public health.
- The economic benefit or savings the IU gained from the non-compliance.
- Whether the IU is making a good faith effort to comply.

8. Cost Recovery (CR) In addition to the Administrative fines imposed by the POTW, the IU shall be responsible for paying the following (but not limited to) costs incurred by the town for the IU's failure to comply.

- Cost of mileage and labor associated with correcting the violation
- Laboratory and additional treatment costs associated with the violation.

- Costs of additional equipment for detecting and correcting the violation.
- Cost to repair and/replace any part of the sewerage system damaged by the violation
- Any liability, damages, fines or penalties incurred by the Town as a result Of the violation.
- Any and all expenses of outside professionals including but not limited to, engineers, scientists and/or legal counsel.
- Other costs associated with the detection and correction of the violations.

9. Fines The Town at it's discretion may impose a fine of at least $1000.00 per day per violation in accordance with 40 CFR 403.8 (f) (1) (vi) (A) but no more than $2500.00 per day per violation for a first offence. Fines for subsequent violations will be subject to escalated penalties up to $7500.00 per day in accordance with IC 36-1-3-8 (A) (10) (B).

Section. 12 Conflicting Provisions Repealed. All Ordinances in conflict Herewith are hereby repealed. The invalidity of any section, clause, sentence or provisions of this Ordinance shall not affect the validity of any other part of this Ordinance.

Approved and adopted by the Town Board of Redkey, Indiana on

The _____ Day of _____ 2014.

By:

_____	_____
Kyle Champ	Ted Friddle
_____	_____
John Davis	Greg Curme
_____	Attest _____
David Dudelston	Debbie James, Clerk/Treasurer

All Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentance or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

Approved and adopterd by the Board of Trusrees of the Town of Redkey, Indiana on the_____day of _____ 2012