

TITLE V: PUBLIC WORKS

Chapter

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CHAPTER 50: UTILITIES

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§ 50.01 STORMWATER UTILITY FEES.

(A) (1) The rates and charges of the stormwater utility shall be as follows: the stormwater system user fee is applicable to all water or wastewater utility accounts within the stormwater system service area.

(2) All accounts classified by the utility as being single-family residential water and/or wastewater accounts shall pay a monthly charge per Table I.

(3) All other metered water accounts shall be charged monthly based upon the size of the water meter(s) per Table II.

(a) *Table I.*

<i>Table I</i> <i>Single-Family Residential</i>	
<i>Effective Date</i>	<i>Monthly Charge</i>
July 1, 2005	\$2.50
July 1, 2006	\$3
July 1, 2007	\$3.50
July 1, 2008	\$3.75

(b) *Table II.*

<i>Water Meter Size</i>	<i>7/1/2005</i>	<i>7/1/2006</i>	<i>7/1/2007</i>	<i>7/2008</i>
5/8 inch, 3/4 inch	\$2.50	\$3	\$3.50	\$3.75
1 inch	\$5	\$6	\$7	\$7.50
1-1/2 inch	\$7.50	\$9	\$10.50	\$11.25
2 inch	\$10	\$12	\$14	\$15
3 inch	\$15	\$18	\$21	\$22.50
4 inch	\$20	\$24	\$28	\$30
6 inch	\$30	\$36	\$42	\$45
8 inch	\$40	\$48	\$56	\$60

(B) (1) There is hereby established a stormwater utility review fee for the review of new development or redevelopment on any parcel in the stormwater utility service area. New development or redevelopment shall be any change in the current land or building use, change of impervious area, change of parcel characteristics which causes an increase in total volume of stormwater runoff, or an increase in the rate of stormwater runoff.

(2) The stormwater utility review fee is established as follows.

< 1/2 acre	< 1 acre	< 5 acre	> 5 acre
\$50	\$75	\$125	\$175

(C) These rates and charges shall be billed monthly, and all provisions of the State Code, this code of ordinances, and the City Utilities Department rules and regulations which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utility services.

(D) The Utilities Service Board shall establish written policies and procedures for the billing and collection of the stormwater utility fee.

(E) The Utilities Service Board shall establish a written procedure and criteria for the appeal of the stormwater utility review fee and utility fee.

(F) Once every two years, the Utilities Service Board, or its designee, shall conduct a study for the purpose of reviewing the fairness and equity of the rates and charges for stormwater services. By November 30 of the second year, the designee shall issue a report to the City Utilities Service Board recommending adjustments in stormwater rates and other stormwater system charges necessary to

maintain the revenue required to pay for all costs of the stormwater system, including, but not limited to, operation, maintenance, replacement costs, administrative billing costs, and debt service. The results of said study shall be used as a basis for any rate adjustments necessary to maintain sufficiency of revenue and/or proportionality between classes.

(Ord. 850, passed 4-25-2005)

§ 50.02 MANHOLES AND SEWERS.

(A) *Manholes.*

(1) *Generally.* Manholes constructed in the city, minimum spacing 300 feet with 15 feet leave way for practicality of placement. To be installed at the end of each line (even if less than 300 feet) at all changes in grade, size, or alignment, and at all intersections;

(2) *Drop type.* Drop pipes to be provided for a sewer entering a manhole at an elevation of 24 inches or more above the manhole invert. Where the difference in elevation between the incoming sewer and the manhole invert is less than 24 inches, the invert should be filleted to prevent solids deposition;

(3) *Diameter.* The minimum diameter of manholes shall be 42 inches; larger diameters are preferable;

(4) *Flow channel.* The flow channel through manholes should be made to conform in shape and slope to that of the sewers; and

(5) *Water-tightness.* Solid manhole covers are to be used wherever the manhole tops may be flooded by street runoff or high water. Manholes of brick or segmented block should be water-proof on the exterior with plaster coating, supplemented by a bituminous water-proof coating where groundwater conditions are unfavorable.

(B) *Sewers.*

(1) *Generally.* Any private sewer serving more than one connection should be no less than eight inches in diameter and be required to have a manhole at its beginning and end.

(2) *Pipe.* All vetrified clay pipe laid for the city, or that laid for a private development which will become the city's responsibility of maintenance or treatment of sewage from same, shall meet the A.S.T.M. specification C-278-60T, up to and including ten inches in diameter.

(3) *Joints.* The sewer pipe joints shall meet the A.S.T.M. Specification C425 Types 1, 2, and 3.

(4) *Fittings*. All fittings used with vetrified clay pipe shall meet the same requirements as vetrified clay pipe.

(Ord. 427, passed 6-22-1971)

§ 50.03 PROHIBITING ERECTION OF STRUCTURES OVER SEWER AND UTILITY LINES.

It is hereby determined and designated to be necessary and conducive to the public safety and welfare that the erection of buildings and other structures over and about public sewer lines and public utility lines be prohibited.

(Ord. 401, passed 1-28-1969) Penalty, see § 50.99

§ 50.04 DRAINAGE PROHIBITIONS.

It shall be unlawful for any person or persons or corporations to drain any sewage of any description whatsoever into any open drain, gutter, or waterway in said city.

(Ord. 139, passed 9-12-1939) Penalty, see § 50.99

§ 50.05 SEWAGE DISPOSAL PLANT.

(A) It shall be mandatory for the Clerk-Treasurer of said *[missing text]* to assess each, user of the city sewers, and, to collect from said user whatever amount shown by the reading on the quarterly, statement of water rent.

(B) Wherever a property is occupied by a tenant, the owner of the real estate shall be held responsible for the payment of said assessment, but this section does not preclude any arrangement to the contrary that may already be in effect between landlord and tenant relative to the payment of water rent.

(C) Should the above mentioned assessment be not paid by the tenth of the month following the end of a quarter, a 10% penalty shall be attached to amount owing by user, and should said assessment not be paid by the twentieth of the month following the end of a quarter, and in that event, the Chief of Police is hereby mandated to shut off the user's water supply.

(Ord. 93, passed 6-28-1935)

§ 50.06 DEFACEMENT OF WATERWORKS PROPERTY.

It shall be unlawful, on and after the passage of this section, for any person to injure, deface, or in any manner damage the dam, stand pipe, or pump house belonging to the Waterworks Plant of said city,

or any hydrant, main, or connection belonging to or forming a part of said plant or to climb upon the pump house or stand pipe aforesaid.

(Ord. passed 6-9-1893) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) As penalty for violation of § 50.03, a fine not to exceed the sum of \$100 per day shall be assessed for so long as the violation exists.

(C) Any person violating any of the provisions of § 50.06, on conviction thereof, shall be fined not to exceed \$25 for each offense so committed, to which may be added imprisonment in the City Jail, not exceeding 30 days.

(Ord. passed 6-9-1893; Ord. 401, passed 1-28-1969)

CHAPTER 51: WATER

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GENERAL PROVISIONS

§ 51.01 DISCONNECTION OF WATER SERVICE TO DISMANTLED OR REMOVED BUILDINGS.

All persons, firms, or corporations which dismantle and remove any buildings receiving water service shall be required to turn off the water at the main as soon as practicable and not to exceed a period of 12 months after the dismantling and removal.

(Ord. 928, passed 2-25-2013)

§ 51.02 PERMITS TO TAP WATER MAINS.

(A) It shall be unlawful for any person, except an employee or officer of the City Water Department to tap to, connect with, or make any alterations or attachments to any water main in said city, unless said person has first procured a permit to tap from the City Water Department.

(B) The fee for said permit to tap shall be \$15, payable at the City Water Department office. (Ord. 441, passed 4-10-1973) Penalty, see § 51.99

RATES**§ 51.15 WATER SERVICE RATES AND CHARGES.**

(A) *Water service connection fee.* The water service connection fee (also known as the initiation of service deposit), shall be \$100.

(B) *Water service reconnection fee.*

(1) The water service reconnection fee (also known as the disconnection charge and/or interruption of service fee) shall be \$50.

(2) Any outstanding utility service bill and the water connection fee are to be paid before water service is initiated.

(3) The reconnection fee and any outstanding utility service bill are to be paid before water service is reconnected.

(C) *Water service tap fees.* The fees for accessory supplies are in accordance with the following fees.

<i>Connection Diameter</i>	<i>Tap Fee</i>	<i>Fees for Accessories</i>	<i>Standard Installation Descriptions</i>
3/4 inch	\$100	\$250*	Single pit, meter, expander, meter yoke, compression locking angle valve, compression angle check-valve and a 20 inch locking lid and collar

<i>Connection Diameter</i>	<i>Tap Fee</i>	<i>Fees for Accessories</i>	<i>Standard Installation Descriptions</i>
1 inch	\$200 \$100 each meter	\$450 \$225 per meter	Dual pit, 2 meters, 2 expanders, 2 yokes, 2 locking angle valves, 2 angle check-valves, 1 20-inch recessed locking lid and collar, 1 U-branch x 1-inch compression and 1 20-inch by 30-inch meter pit
1 inch	\$200	\$400*	Single 1-inch meter pd disc, one 2-inch recessed locking lid and collar, one 1-inch brass setter with check
1-1/2 inches	\$250	Costs*	Cost of meter with remote and flange kit
2 inches	\$250	Costs*	Cost of meter with remote and flange kit
3 inches	\$250	Costs*	Cost of meter with remote and strainer
4 inches	\$300	Costs*	Cost of meter with remote and strainer
6 inches	\$300	Costs*	Cost of meter with remote and strainer

Notes:

* Fee for in-stock accessories are listed. Costs for larger or different equipment are based upon costs at the time of ordering. Users are instructed to contact the Water Superintendent, for current costs Those requiring installation of meters over 1 inch in size should give 30 days' advance notice from the date needed, as the meters must be ordered

(D) *Fire protection.*

(1) *Public fire protection surcharge.*

<i>Public Fire Protection Surcharge (Monthly Charge)</i>				
<i>By Meter Size</i>	<i>2005 Ord. 849 Rate</i>	<i>2008 Rate</i>	<i>2009 Rate</i>	<i>2010 Rate</i>
3/4 or less	\$10.15	\$11.165	\$12.282	\$13.51
1 inch	\$14.10	\$15.51	\$17.061	\$18.767
1-1/2 inches	\$18.25	\$20.075	\$22.083	\$24.291
2 inches	\$29.30	\$32.23	\$35.453	\$38.998
3 inches	\$111.50	\$122.65	\$134.92	\$148.407

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<i>By Meter Size</i>	<i>2005 Ord. 849 Rate</i>	<i>2008 Rate</i>	<i>2009 Rate</i>	<i>2010 Rate</i>
4 inches	\$141.85	\$156.035	\$171.639	\$188.802
6 inches	\$212.80	\$234.08	\$257.49	\$283.237

(2) *Private fire protection.*

<i>Per Fire Hydrant Per Year</i>	<i>2005 Ord. 849 Rate</i>	<i>2008 Rate</i>	<i>2009 Rate</i>	<i>2010 Rate</i>
3/4 or less	\$792	\$871.20	\$958.32	\$1,054.152

(3) *Private protection.*

<i>Private Fire Protection (Automatic Sprinklers)</i>				
<i>Annual Rate By Connection Size</i>	<i>2005 Ord. 849 Rate</i>	<i>2008 Rate</i>	<i>2009 Rate</i>	<i>2010 Rate</i>
1 inch	\$99	\$108.90	\$119.79	\$131.77
2 inches	\$141.40	\$155.54	\$171.094	\$188.203
3 inches	\$271.50	\$298.65	\$328.515	\$361.367
4 inches	\$537.40	\$591.14	\$650.254	\$715.28
6 inches	\$707.20	\$777.92	\$855.712	\$941.283
8 inches	\$1,188.00	\$1,306.80	\$1,437.48	\$1,581.228
10-inch line				\$2,487.04 per year
12-inch line				\$3,578.26 per year

(E) *Non-recurring charges.*

(1) The non-recurring water service connection fees, reconnection fees, and tap fees shall be as adjusted in Ords. 869 and 980.

(2) After-hours non-emergency service runs shall have a minimum fee of \$50.

(3) Special meter reading (test) runs shall have a minimum fee of \$25.

(F) Residential, commercial, industrial, and wholesale fees.

(1) Residential.

<i>Residential</i>					
<i>Residential</i>	<i>Metered Quantity (Gallons Per Month)</i>	<i>Ord. 879 Rate Per 1,000</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
First	3,333	\$6.415	\$6.543	\$6.674	\$6.808
Next	6,667	\$6.016	\$6.136	\$6.259	\$5.384
Next	6,667	\$5.178	\$5.282	\$5.387	\$5.495
Next	33,333	\$4.432	\$4.521	\$4.611	\$4.703
Next	50,000	\$4.060	\$4.141	\$4.224	\$4.309
Next	100,000	\$2.702	\$2.756	\$2.811	\$2.867

<i>Residential</i>					
<i>Minimum Charge Per Month By Meter Size</i>	<i>Gallons Allowed Per Month</i>	<i>Ord. 879 Rate Per 1,000</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
3/4 inch or less	2,667	\$17.103	\$17.445	\$17.794	\$18.150
1 inch	3,000	\$19.246	\$17.445	\$20.024	\$20.424
1-1/2 inches	7,650	\$47.317	\$19.631	\$49.229	\$50.213
2 inches	15,800	\$91.506	\$48.263	\$95.203	\$97.107
3 inches	50,000	\$243.892	\$248.770	\$253.745	\$258.820
4 inches	120,930	\$503.145	\$513.208	\$523.472	\$533.941
6 inches	346,770	\$1,113.475	\$1,135.745	\$1,158.459	\$1,181.662

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(2) Commercial.

<i>Commercial</i>					
<i>Commercial</i>	<i>Metered Quantity (Gallons Per Month)</i>	<i>Ord. 879 Rate Per 1,000</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
First	3,333	\$6.908	\$7.046	\$7.187	\$7.331
Next	6,667	\$6.482	\$6.612	\$6.744	\$6.879
Next	6,667	\$5.590	\$5.702	\$5.816	\$5.932
Next	33,333	\$4.778	\$4.874	\$4.971	\$5.070
Next	50,000	\$4.366	\$4.453	\$4.542	\$4.633
Next	100,000	\$2.915	\$2.973	\$3.033	\$3.093

<i>Commercial</i>					
<i>Minimum Charge Per Month By Meter Size</i>	<i>Gallons Allowed Per Month</i>	<i>Ord. 879 Rate Per 1,000</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
3/4 inch or less	2,667	\$18.343	\$18.710	\$19.084	\$19.466
1 inch	3,000	\$20.737	\$21.152	\$21.575	\$22.006
1-1/2 inches	7,650	\$50.991	\$52.011	\$53.051	\$54.112
2 inches	15,800	\$98.614	\$100.586	\$102.598	\$104.650
3 inches	50,000	\$262.846	\$268.103	\$273.465	\$278.934
4 inches	120,930	\$542.250	\$553.095	\$564.157	\$575.440
6 inches	346,770	\$1,200.020	\$1,224.020	\$1,248.501	\$1,273.471

(3) *Industrial.*

<i>Industrial</i>					
<i>Industrial</i>	<i>Metered Quantity (Gallons Per Month)</i>	<i>Ord. 879 Rate Per 1,000</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
First	3,333	\$7.028	\$7.169	\$7.312	\$7.458
Next	6,667	\$6.588	\$6.720	\$6.854	\$6.991
Next	6,667	\$5.683	\$5.797	\$5.913	\$6.031
Next	33,333	\$4.858	\$4.955	\$5.054	\$5.155
Next	50,000	\$4.446	\$4.535	\$4.626	\$4.718
Next	100,000	\$2.968	\$3.027	\$3.088	\$3.150

<i>Industrial</i>					
<i>Minimum Charge Per Month By Meter Size</i>	<i>Gallons Allowed Per Month</i>	<i>Ord. 879 Rate Per 1,000</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
3/4 inch or less	2,667	\$18.740	\$19.115	\$19.497	\$19.887
1 inch	3,000	\$21.083	\$21.505	\$21.935	\$22.373
1-1/2 inches	7,650	\$51.086	\$52.108	\$53.150	\$54.213
2 inches	15,800	\$100.280	\$102.286	\$104.331	\$106.418
3 inches	50,000	\$267.280	\$272.626	\$278.078	\$283.640
4 inches	120,930	\$551.410	\$562.438	\$573.687	\$585.161
6 inches	346,770	\$1,220,290	\$1,244.696	\$1,269.590	\$1,294.982

(4) *Wholesale.*

<i>Wholesale Water Sold for Resale Per 1,000 Gallons</i>				
<i>Consumption Per Month</i>	<i>Ord. 904 Rate</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
First 2,000,000 gallons	\$4.050	\$4.131	\$4.214	\$4.298
Next 1,000,000 gallons	\$3.480	\$3.550	\$3.621	\$3.693
Over 3,000,000 gallons	\$2.915	\$2.973	\$3.033	\$3.093

<i>Wholesale Minimum Monthly Fee (100,000 Gallons)</i>				
<i>Consumption Per Month</i>	<i>Ord. 904 Rate</i>	<i>*July 2015 Rate Per 1,000</i>	<i>*July 2016 Rate Per 1,000</i>	<i>*July 2017 Rate Per 1,000</i>
1,000,000 gallons	\$405	\$413.10	\$421.36	\$429.79

(Ord. 869, passed 7-23-2007; Ord. 870, passed 7-23-2007; Ord. 879, passed 11-26-2007; Ord. 881, passed 3-10-2008; Ord. 892, passed 9-22-2008; Ord. 904, passed 1-11-2010; Ord. 879, passed 1-28-2013; Ord. 945-2015, passed 2-9-2015)

§ 51.16 TANK TRUCK WATER RATES.

The city shall establish the following rates and charges currently billed monthly:

(A) Minimum per load: \$7.50 (zero to 1,000 gallons);

(B) An additional \$0.75 per each 100 gallons after 1,000 gallons;

(C) If not paid, a 3% additional late charge will be added 30 days after billed; and

(D) Service will be denied after 60 days past due.

(Ord. 938, passed 6-23-2014)

WATER MANAGEMENT STRATEGY**§ 51.30 APPLICATION.**

This subchapter shall apply to all persons, firms, partnerships, corporations, companies, or organizations connected to the city water system or using water from the water system (users). (Ord. 890, passed 6-23-2008)

§ 51.31 ROUTINE CONSERVATION MEASURES.

(A) Practices that conserve water should be used at all times.

(B) Examples of conservation measures include:

(1) Judiciously sprinkling, watering, or irrigating shrubbery, trees, grass, ground covers, plants, vines, gardens, vegetables or other vegetation; elimination wasteful sprinkling of impervious surfaces such as streets, driveways, and sidewalks;

(2) Limited use of water while cleaning sidewalks, driveways, paved areas, decks, or other outdoor surfaces;

(3) Limiting water use while washing trucks, trailers, mobile homes, railroad cars, or other equipment. Washing equipment with a bucket of soapy water and using a nozzle to stop the flow of water from the hose between rinsing;

(4) Repairing or replacing leaking water fixtures and service lines;

(5) Using appliances, such as clothes washers and dishwashers, only when they are full;

(6) Turning off the water while brushing teeth or shaving;

(7) Using a higher lawnmower setting to provide natural ground shade and promote the soil's water retention;

(8) Covering swimming pools when not in use to reduce evaporation; and

(9) Other reasonable practices for reducing water usage.

(Ord. 890, passed 6-23-2008)

§ 51.32 DECLARATION OF NEED.

Upon determining that the city water system faces a condition of water shortage, the city shall declare a water conservation emergency and establish the appropriate measures and the anticipated duration thereof.

(Ord. 890, passed 6-23-2008)

§ 51.33 VOLUNTARY CONSERVATION.

(A) *Generally.* During water shortages, users shall be requested to reduce water consumption by practicing voluntary conservation. The city finds the following to be reasonable and meaningful conservation techniques and provides such information to users. The city may also implement prohibitions to encourage water conservation. Conservation techniques will be effective upon public announcement.

(B) *Water Shortage Level Five.* City officials asking for voluntary conservation by all users.
(Ord. 890, passed 6-23-2008)

§ 51.34 MANDATORY CONSERVATION.

During moderate water shortages, users shall be prohibited from selected water uses subject to reasonable terms, times, and conditions as follows.

(A) *Water Shortage Level Four.* City officials ordering the shutting off all lawn sprinklers, prohibiting adding water to swimming pools, permitting no vehicle washing, and asking for conservation measures from major users.

(B) *Water Shortage Level Three.* City officials order the shutting down of commercial car washes and golf course sprinklers. City officials may order the institution of restrictions on major users, including factories and schools. City officials instituting the accelerated water meter reading program.
(Ord. 890, passed 6-23-2008)

§ 51.35 WATER RATIONING.

(A) *Water Shortage Level Two.* Providing Water for essential services only.

(B) *Water Shortage Level One.*

(1) Water usage restricted to firefighting purposes only.

(2) In addition to mandatory conservation and water rationing measures, users shall be limited during extreme water shortage to water use by the following schedule:

(a) Limited residential water use and accelerated meter reading on a weekly or biweekly basis;

(b) Business, commercial, agricultural, and industrial users shall be limited to the volume of water deemed essential by the Water Superintendent and authorized by the Utility Service Board; and

(c) Water rates may be substantially increased during periods of water rationing.
(Ord. 890, passed 6-23-2008)

§ 51.36 EXCEPTIONS.

The Utility Service Board shall establish rationing exemptions necessary to provide for the maintenance of adequate health, safety, and sanitary conditions.
(Ord. 890, passed 6-23-2008)

§ 51.37 NOTICE.

Notice of the need for voluntary conservation measures shall be issued in a local newspaper of general circulation or other means such as radio and television, as deemed appropriate by the city. Notice shall be effective upon issuance. Notice of mandatory conservation or rationing shall be by first-class United States mail, or by other door-to-door distribution to each current user, and by radio, television, electronic, and print media. Notice shall be deemed effective at the conclusion of door-to-door distribution or at noon of the third day after the city deposits notice in the United States mail.
(Ord. 890, passed 6-23-2008)

§ 51.38 TERMINATION.

Water service may be immediately terminated for any user who violates §§ 51.34 and 51.35.
(Ord. 890, passed 6-23-2008)

§ 51.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Any person found guilty of violating § 51.02 shall on conviction be fined not less than \$25, nor more than \$250 for each offense.

(C) Any user who violates §§ 51.34 and 51.35 may be punished by a penalty of not more than \$50 per violation, see I.C. 36-1-3-8(a)(10)(B). Each day of violation shall constitute a separate offense. (Ord. 441, passed 4-10-1973; Ord. 890, passed 6-23-2008)

CHAPTER 52: SEWERS

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GENERAL PROVISIONS**§ 52.001 PURPOSE AND POLICY.**

(A) (1) This chapter sets forth uniform requirements for users of the publicly-owned treatment works for the city and enables the city to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. §§ 1251 et seq.) and the general pretreatment regulations (40 C.F.R. pt. 403).

(2) The objectives of this chapter are:

(a) To prevent the introduction of pollutants into the publicly-owned treatment works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the publicly-owned treatment works that will passthrough the publicly-owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly-owned treatment works;

(c) To protect both publicly-owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the publicly-owned treatment works;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly-owned treatment works; and

(f) To enable the city to comply with its national pollutant discharge elimination system permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the publicly-owned treatment works is subject.

(3) This chapter shall apply to all users of the publicly-owned treatment works. This chapter authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(B) The “City of North Vernon Sewer Use Ordinance and Enforcement Response Plan”, as revised October 2012, is hereby adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.

(Ord. passed 3- -2010; Ord. passed 10- -2012; Ord. 927, passed 1-14-2013)

§ 52.002 ADMINISTRATION.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.003 ABBREVIATIONS.

The following abbreviations, when used in this chapter, shall have the designated meanings.

BOD	Biochemical oxygen demand
BMP	Best management practice
BMR	Baseline monitoring report
C.F.R.	Code of Federal Regulations
CIU	Categorical industrial user
COD	Chemical oxygen demand

EPA	U.S. Environmental Protection Agency
gpd	gallons per day
IDEM	Indiana Department of Environmental Management
IU	Industrial user
mg/l	milligrams per liter (parts per million)
ng/l	nanograms per liter (parts per billion)
NPDES	National pollutant discharge elimination system
NSCIU	Non-significant categorical industrial user
POTW	Publicly-owned treatment works
RCRA	Resource Conservation and Recovery Act
SIU	Significant industrial user
SNC	Significant noncompliance
TSS	Total suspended solids
U.S.C.	United States Code

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

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

APPROVAL AUTHORITY. The Regional Administration of U.S. EPA Region V.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.

(1) If the user is a corporation:

(a) The President, Secretary, Treasurer, or a Vice-President of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or its designee; or

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

BEST MANAGEMENT PRACTICES OR BMPS. The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 52.021(A) and (B) (40 C.F.R. § 403.5(a)(1) and (1)(b)). **BMPS** include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge, or waste disposal, or drainage from raw materials storage. (Note: **BMPS** also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.)

BIOCHEMICAL OXYGEN DEMAND OR BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at 20°C, usually expressed as a concentration (e.g., mg/l).

CATEGORICAL INDUSTRIAL USER OR CIU. An industrial user subject to a categorical pretreatment standard or categorical standard.

CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 C.F.R. Ch. I, Subch. N, pts. 405 through 471.

CITY. The City of North Vernon or the City Council of North Vernon, or the North Vernon Utilities Service Board.

CHEMICAL OXYGEN DEMAND OR COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CONTROL AUTHORITY. The City of North Vernon, Indiana.

DAILY MAXIMUM. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant during a calendar day. Where **DAILY MAXIMUM LIMITS** are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where **DAILY MAXIMUM LIMITS** are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

ENVIRONMENTAL PROTECTION AGENCY OR EPA. The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EXISTING SOURCE. Any source of a discharge that is not a “new source”.

GRAB SAMPLE. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE OR DISCHARGE. The introduction of pollutants into the POTW from any nondomestic source.

INTERFERENCE. A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefor, is a cause of a violation of the city’s NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: § 405 of the Act, being 33 U.S.C. § 1345; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), being 42 U.S.C. §§ 6901 et seq.; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act, being 42 U.S.C. §§ 6941 et seq.; the Clean Air Act, 42 U.S.C. §§ 7401 et seq.; the Toxic Substances Control Act, being 15 U.S.C. §§ 2601 et seq.; and the Marine Protection, Research, and Sanctuaries Act, being 16 U.S.C. §§ 1431 et seq. and 33 U.S.C. §§ 1401 et seq.

LOCAL LIMIT. Specific discharge limits developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 C.F.R. § 403.5(a)(1) and (1)(b).

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.

MONTHLY AVERAGE. The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

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

NEW SOURCE.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under § 307(c) of the Act, being 33 U.S.C. § 1317(c), that will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located;

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a **NEW SOURCE** if the construction does not create a new building, structure, facility, or installation meeting the criteria of divisions (1)(b) or (1)(c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a **NEW SOURCE** as defined under this division (3) has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts

which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this division (3)(b).

NONCONTACT COOLING WATER. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PASSTHROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state, or and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS OR STANDARDS. Prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 52.021.

PUBLICLY-OWNED TREATMENT WORKS OR POTW. A treatment works, as defined by § 212 of the Act (33 U.S.C. § 1292), which is owned by the city. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

SEPTIC TANK WASTE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. Human excrement and gray water (household showers, dishwashing operations, and the like).

SIGNIFICANT INDUSTRIAL USER (SIU). Except as provided in divisions (3) and (4) of this section, a significant industrial user is:

(1) An industrial user subject to categorical pretreatment standards;

(2) An industrial user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in division (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 C.F.R. § 403.8(f)(6), determine that such user should not be considered a **SIGNIFICANT INDUSTRIAL USER**.

SLUG LOAD or **SLUG DISCHARGE.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in § 52.021. A **SLUG DISCHARGE** is any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or passthrough, or in any other way violate the POTW's regulations, local limits, or permit conditions.

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

SUPERINTENDENT. The person designated by the city to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter. The term also means a duly authorized representative of the **SUPERINTENDENT**.

TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

USER or INDUSTRIAL USER. A source of an indirect discharge.

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

WASTEWATER TREATMENT PLANT or TREATMENT PLANT. The portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.005 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law.

(B) Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 C.F.R. § 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.006 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

(A) The Superintendent shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

(B) The term **SIGNIFICANT NONCOMPLIANCE** shall be applicable to all significant industrial users, or any other industrial user that violates divisions (B)(3), (B)(4), or (B)(8) below and shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in §§ 52.020 through 52.026;

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by §§ 52.020 through 52.026 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment standard or requirement as defined by §§ 52.020 through 52.026 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, interference or passthrough, including endangering the health of POTW personnel or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; or

(8) Any other violation(s), which may include a violation of best management practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

GENERAL SEWER USE REQUIREMENTS

§ 52.020 LOCAL STANDARDS AND PROHIBITIONS.

(A) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharge to any natural outlet within the city or any area under the jurisdiction of the city any sanitary, commercial, industrial, or polluted wastewaters, except where suitable treatment has been provided in accordance with this chapter.

(B) Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other wastewater treatment facility intended or used for the treatment and/or disposal of sewage.

(C) No person shall construct, repair, modify or alter a sewer lateral, public sewer, manhole, or other sewer system appurtenance without first obtaining a permit from the Superintendent.

(D) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, pipe, or equipment which is part of the sewage system.

(E) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, parking lot runoff, cooling water, or unpolluted industrial process waters into any sanitary sewer.

(F) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose situated in the city and abutting any street, alley, right-of-way, or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the city, are hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities and industrial waste outlets directly with the public sewer in accordance with this chapter within 90 days after the date of official notice to do so; provided, that such public sewer is within 300 feet of the property line.

(G) No statement contained in this chapter shall be construed as preventing the city from entering into an agreement between the city and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the city for treatment subject to payment for treatment services by the industrial discharger.

(H) It shall be the responsibility of the property owner to pay for the cost of constructing the sewer lateral from the building to the public sewer. It shall be the responsibility of the property owner to pay for the cost of maintaining the sewer lateral from the building to the limit of the public right-of-way or easement of the public sewer. The city is responsible for the maintenance and repair of the sewer lateral from the right-of-way or easement line to the public sewer main including the sewer lateral fitting which connects the sewer lateral to the public main.

(I) A separate and independent sanitary sewer lateral shall be provided for each and every building, except present sewer structures in use; and except that where one building stands at the rear of another on the same lot and no sanitary sewer can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the sewer lateral from the front building may be extended to the rear building and the whole sewer lateral considered as one sewer lateral for the single property.

(J) Old building sanitary sewer laterals may be used in connection with new buildings only when they are found on examination and testing by the Superintendent to meet all requirements of new sanitary sewer laterals.

(K) The Superintendent shall develop and submit to the Utility Service Board for approval written construction standards for the construction of sewer laterals, sewer mains, manholes, and other appurtenances which are connected to the city sewer system. The Superintendent shall revise the construction standards as appropriate and on a regular basis.

(1) The construction of all sewers, components, systems, or private sewers which connect to the city sewer system shall comply with the requirements of the Wastewater Department's *Construction Standards*. The acceptance of the applicability of these *Standards* to all sewers shall be considered part of the terms for the approval of connection to the city sewer system.
(Ord. passed 3- -2010; Ord. passed 10- -2012) Penalty, see § 52.999

§ 52.021 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions*. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes passthrough interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(B) *Specific prohibitions*. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60° C) using the test methods specified in 40 C.F.R. § 261.21;

(2) Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 0.75 inch(es) (three-fourth inch) in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (CBOD, and the like), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 140°F (60°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or passthrough;

(7) Pollutants which 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;

(8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 52.043;

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Superintendent in an individual wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

(16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100mg/l;
or

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10% or any single reading over 10% of the lower explosive limit of the meter.

(C) *Pollutants, substances, or wastewater.* Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. passed 3- -2010; Ord. passed 10- -2012) Penalty, see § 52.999

§ 52.022 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

Users must comply with the categorical pretreatment standards found at 40 C.F.R. Ch. I, Subch. N, pts. 405 through 471.

(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with divisions (E) and (F) below.

(B) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users in accordance with 40 C.F.R. § 403.6(c)(2).

(C) When wastewater, subject to a categorical pretreatment standard, is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit in accordance with 40 C.F.R. § 403.6(e).

(D) A CIU may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the divisions (D)(1) and (D)(2) below.

(1) *Generally.* Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the city. Upon request of the industrial user, the applicable standard will be calculated on a net basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of division (D)(2) below are met.

(2) *Criteria.*

(a) Either:

1. The applicable categorical pretreatment standard, contained in 40 C.F.R. Subch. N, specifically provide that they shall be applied on a net basis; or

2. The industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.

(b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the generic measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.

(d) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The city may waive this requirement if it finds that no environmental degradation will result.

(E) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Superintendent. The city may establish equivalent mass limits only if the industrial user meets all the conditions set forth in divisions (1)(a) through (1)(e) below.

(1) To be eligible for equivalent mass limits, the industrial user must:

(a) Employ or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

(d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

(e) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

(2) An industrial user subject to equivalent mass limits must:

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) Continue to record the facility's production rates and notify the Superintendent whenever production rates are expected to vary by more than 20% from its baseline production rates determined in paragraph 2.3(F)(1)(c) of this section. Upon notification of a revised production rate, the Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to division (E)(1)(a) above as long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Superintendent:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

(b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 52.026. The industrial user must also be in compliance with § 52.177 regarding the prohibition of bypass.

(F) The Superintendent may convert the mass limits of the categorical pretreatment standards of 40 C.F.R. pts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Superintendent.

(G) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived. (Note: See 40 C.F.R. § 403.6(c)(7).)

(H) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. (Note: See 40 C.F.R. § 403.6(c)(8).)

(I) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Superintendent within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Superintendent of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate. (Note: See 40 C.F.R. § 403.6(c)(9).)

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.023 STATE PRETREATMENT STANDARDS.

State pretreatment standards users must comply with State pretreatment standards codified at 327 I.A.C. 5-18.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.024 LOCAL LIMITS.

(A) The Superintendent is authorized to establish local limits pursuant to 40 C.F.R. § 403.5(c).

(B) (1) The following pollutant limits are established to protect against passthrough and interference.

(2) No person shall discharge wastewater containing in excess of the following daily maximum limits:

- (a) 0.03 mg/l arsenic;
- (b) 0.2 mg/l cadmium;
- (c) 2.0 mg/l chromium;
- (d) 0.2 mg/l copper;
- (e) 0.5 mg/l cyanide;
- (f) 0.11 mg/l lead;
- (g) 0.5 mg/l mercury;
- (h) 0.6 mg/l nickel;
- (i) 100 mg/l fats, oil and grease as a polar material;
- (j) 100 mg/l oil and grease as nonpolar material;
- (k) 0.10 mg/l selenium;
- (l) 0.24 mg/l silver;
- (m) 0.5 mg/l total phenols; and
- (n) 4.0 mg/l zinc

(3) The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

(C) Any wastewater containing in excess of 200 mg/l of CBOD5 or total suspended solids or 20 mg/l ammonia-N or 500 mg/l COD will be surcharged as high strength wastewater as provided for in the current sewer rate ordinance. The issuance of surcharges for treating high strength wastewater shall not be construed as acceptance of high strength wastewater for treatment by the city. The city reserves the right and authority to prohibit the discharge of high strength wastewater when such wastewaters cause or are reasonably expected to cause POTW upsets, overloading, or damage to the sewer collection system.

(D) The Superintendent may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of § 52.021. (Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.025 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this chapter.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.026 DILUTION.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012) Penalty, see § 52.999

PRETREATMENT OF WASTEWATER

§ 52.040 PRETREATMENT FACILITIES.

Users shall provide wastewater treatment as necessary to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in § 52.021 within the time limitations specified by EPA, the state, or the Superintendent, whichever is

more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.041 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(B) The Superintendent may require any person discharging into the POTW to install and maintain, on his or her property and at his or her expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of a type and capacity approved by the Superintendent, shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired by the user at their expense.

(D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.042 ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS.

(A) At least once every two years, the Superintendent shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges. The Superintendent may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the Superintendent may develop such a plan for any user.

(B) An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 52.085; and

(4) (a) Procedures to prevent adverse impact from any accidental or slug discharge.

(b) Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.043 HAULED WASTEWATER.

(A) (1) Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent.

(2) Such waste shall not violate §§ 52.020 through 52.026 or any other requirements established by the city. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

(B) (1) The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits.

(2) The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

(C) (1) Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent.

(2) The Superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(D) (1) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste.

(2) The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

INDIVIDUAL WASTEWATER DISCHARGES; PERMITS**§ 52.055 WASTEWATER ANALYSIS.**

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within ten days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete and submit this form shall be deemed a violation of this chapter and subjects the user to the sanctions set out in §§ 52.120 through 52.127, 52.140 through 52.143, and 52.155 through 52.160. (Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.056 PERMIT REQUIREMENTS.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to § 52.057 may continue to discharge for the time period specified therein.

(B) The Superintendent may require other users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this chapter.

(C) Any violation of the terms and conditions of an individual wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in §§ 52.120 through 52.127, 52.140 through 52.143, and 52.155 through 52.160. Obtaining an individual wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, or and local law.

(Ord. passed 3- -2010; Ord. passed 10- -2012) Penalty, see § 52.999

§ 52.057 INDIVIDUAL WASTEWATER DISCHARGE PERMITTING; EXISTING CONNECTIONS.

Any user required to obtain an individual wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 30 days after said date, apply to the Superintendent for an individual wastewater discharge permit in accordance with § 52.059, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this chapter, except in accordance with an individual wastewater discharge permit issued by the Superintendent.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.058 NEW CONNECTIONS.

Any user required to obtain an individual wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit, in accordance with § 52.059 must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.059 PERMIT APPLICATION CONTENTS.

(A) (1) All users required to obtain an individual wastewater discharge permit must submit a permit application.

(2) The Superintendent may require users to submit all or some of the following information as part of a permit application:

(a) *Identifying information.*

1. The name and address of the facility, including the name of the operator and owner; and
2. Contact information, description of activities, facilities, and plant production processes on the premises.

(b) *Environmental permits.* A list of any environmental control permits held by or for the facility;

(c) *Description of operations.*

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes;

2. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

3. Number and type of employees, hours of operation, and proposed or actual hours of operation;

4. Type and amount of raw materials processed (average and maximum per day); and

5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(d) *Time and duration.* Time and duration of discharges;

(e) *Location.* The location for monitoring all wastes covered by the permit;

(f) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 52.022(C) (40 C.F.R. § 403.6(e));

(g) *Measurement of pollutants.*

1. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources;

2. The results of sampling and analysts identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process;

3. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported;

4. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.089. Where the standard requires compliance with a BMP, or pollution prevention alternative, the user shall submit documentation as required by the Superintendent or the applicable standards to determine compliance with the standard; and

5. Sampling must be performed in accordance with procedures set out in § 52.090.

(h) *Other information.* Any other information as may be deemed necessary by the Superintendent to evaluate the permit application.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.060 APPLICATION SIGNATORIES AND CERTIFICATIONS.

(A) All wastewater discharge permit applications, user reports, and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 52.093(A).

(B) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Superintendent prior to or together with any reports to be signed by an authorized representative.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.061 PERMIT DECISIONS.

The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete permit application, the Superintendent will determine whether to issue an individual wastewater discharge permit. The Superintendent may deny any application for an individual wastewater discharge permit.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.062 PERMIT DURATION.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.063 PERMIT CONTENTS.

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

(B) The city has the authority to enforce against falsification and tampering of information contained in the permit application.

(1) Individual wastewater discharge permits must contain:

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

(b) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 52.066, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(c) Effluent limits, including best management practices, based on applicable pretreatment standards;

(d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or and local law;

(e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(f) Requirements to control slug discharge, if determined by the Superintendent to be necessary; and

(g) Failure to submit chain-of-custody information is a violation of the pretreatment program.

(2) Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

(a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(f) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(g) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the individual wastewater discharge permit; and

(h) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.064 ISSUANCE PROCESS.

(A) Public notification.

(1) The Superintendent will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page, a notice to issue a pretreatment permit, at least 30 days prior to issuance.

(2) The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

(B) Permit appeals. The Superintendent shall provide public notice of the issuance of an individual wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of an individual wastewater discharge permit within 30 days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

(3) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

(4) (a) If the Superintendent fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(b) Decisions not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the County Circuit Court for within 15 days.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.065 PERMIT MODIFICATION.

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

(A) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(B) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the city's POTW, city personnel, the receiving waters; or to the POTW's beneficial sludge use;

(E) Violation of any terms or conditions of the individual wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. § 403.13;

(H) To correct typographical or other errors in the individual wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with § 52.066.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.066 PERMIT TRANSFER.

(A) Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days' advance notice to the Superintendent and the Superintendent approves the individual wastewater discharge permit transfer.

(B) The notice to the Superintendent must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.

(C) Failure to provide advance notice of a transfer renders the individual wastewater discharge permit void as of the date of facility transfer.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.067 PERMIT REVOCATION.

(A) The Superintendent may revoke an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to § 52.084;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports and certification statements;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Superintendent timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;

- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this chapter.

(B) Individual wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits issued to a user are void upon the issuance of a new individual wastewater discharge permit to that user.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.068 PERMIT REISSUANCE.

A user with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 52.059, a minimum of 180 days prior to the expiration of the user's existing individual wastewater discharge permit.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.069 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS.

(A) If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal agreement with the contributing municipality.

(B) Prior to entering into an agreement required by division (A) above, the Superintendent shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the Superintendent may deem necessary.

(C) An intermunicipal agreement, as required by division (A) above, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this chapter and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in § 52.024. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including individual wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(4) A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent;

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement; and

(9) The city has the right to take legal action to enforce the terms of the contributing municipality's (jurisdiction's) ordinance or to impose and enforce pretreatment standards and requirements directly against noncompliant dischargers in the event the contributing municipality (jurisdiction) is unable or unwilling to take such action.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

REPORTING REQUIREMENTS**§ 52.080 BASELINE MONITORING REPORTS.**

(A) (1) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. § 403.6(a)(4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in division (B) below.

(2) At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

(B) Users described above shall submit the information set forth as follows:

(1) *Generally*. All information required in §§ 52.059(A)(2)(a)1., (A)(2)(b), (A)(2)(c)1., and (A)(2)(f);

(2) *Measurement of pollutants*.

(a) The user shall provide the information required in §§ 52.059(A)(2)(g)1. through (A)(2)(g)4. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this division (B)(2).

(b) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 C.F.R. § 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 C.F.R. § 403.6(e), this adjusted limit along with supporting data shall be submitted to the control authority.

(c) Sampling and analysis shall be performed in accordance with § 52.089.

(d) The Superintendent may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(e) The baseline report shall indicate the time, date, and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(3) *Compliance certification.* A statement, reviewed by the user's authorized representative as defined in § 52.004 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements;

(4) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.081; and

(5) *Signature and report certification.* All baseline monitoring reports must be certified in accordance with § 52.093 and signed by an authorized representative as defined in § 52.004. (Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.081 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.080(B)(4).

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

(B) No increment referred to in division (A) above shall exceed nine months.

(C) The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(D) In no event shall more than two months elapse between such progress reports to the Superintendent. (Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.082 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 52.059(A)(2)(f) and (A)(2)(g) and § 52.080(B)(2). For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 52.022, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.093(A). All sampling will be done in conformance with § 52.090.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.083 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users must, at a frequency determined by the Superintendent, submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards, and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a best management practice (BMP) or pollution prevention alternative, the user must submit documentation required by the Superintendent or the pretreatment standard necessary to determine the compliance status of the user.

(B) All periodic compliance reports must be signed and certified in accordance with § 52.093(A).

(C) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

(D) If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Superintendent, using the procedures prescribed in § 52.090, the results of this monitoring shall be included in the report.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.084 REPORTS OF CHANGED CONDITIONS.

(A) Each user must notify the Superintendent of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

(B) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.059.

(C) The Superintendent may issue an individual wastewater discharge permit under § 52.068 or modify an existing wastewater discharge permit under § 52.065 in response to changed conditions or anticipated changed conditions.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.085 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

(B) Within five days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this chapter.

(C) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in division (A) above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(D) Significant industrial users are required to notify the Superintendent immediately of any changes at its facility affecting the potential for a slug discharge.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.086 REPORTS FROM UNPERMITTED USERS.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.087 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.088 NOTIFICATION OF DISCHARGE OF HAZARDOUS WASTES.

(A) Any discharge into the POTW of any waste, substance, or material which, if otherwise disposed of, would be hazardous waste under 40 C.F.R. pt. 261, is prohibited unless authorized by written permit signed by the Superintendent.

(B) A permit issued by the Superintendent to discharge hazardous waste, will include the following requirements and user responsibilities.

(1) (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. pt. 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. pt. 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other).

(b) If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes; an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

(2) All notifications must take place no later than 180 days after the discharge commences. Any notification under this division (A)(2) need be submitted only once for each hazardous waste discharged, however, notifications of changed conditions must be submitted under § 52.084. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§ 52.080, 52.082, and 52.083.

(C) Dischargers are exempt from the requirements of division (A) above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. §§ 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

(D) In the case of any new regulations under § 3001 of RCRA, being 42 U.S.C. § 6921, identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(E) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(F) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this chapter, a permit issued thereunder, or any applicable federal or state law. (Ord. passed 3- -2010; Ord. passed 10- -2012) Penalty, see § 52.999

§ 52.089 ANALYTICAL REQUIREMENTS.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. pt. 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. pt. 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the pt. 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Superintendent or other parties approved by EPA. (Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.090 SAMPLE COLLECTION.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

(A) (1) Except as indicated in divisions (B) or (C) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge.

(2) (a) Using protocols (including appropriate preservation) specified in 40 C.F.R. pts. 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory.

(b) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with daily maximum limits.

(B) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(C) (1) For sampling required in support of baseline monitoring and 90-day compliance reports required in §§ 52.080 and 52.082, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum.

(2) For the reports required by § 52.083, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable pretreatment standards and requirements.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.091 DATE OF RECEIPT OF REPORTS.

(A) Written reports will be deemed to have been submitted on the date postmarked.

(B) For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.092 RECORDKEEPING.

(A) Users subject to the reporting requirements of this chapter shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with best management practices established under § 52.021.

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

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.093 CERTIFICATION STATEMENTS.

(A) The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 52.061; users submitting baseline monitoring reports under § 52.080(B)(5); users submitting reports on compliance with the categorical pretreatment standard deadlines under § 52.082; users submitting periodic compliance reports required by § 52.083(A) and (B).

(B) The following certification statement must be signed by an authorized representative as defined in § 52.004

<p>I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.</p>
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(Ord. passed 3- -2010; Ord. passed 10- -2012)

COMPLIANCE MONITORING**§ 52.105 RIGHT OF ENTRY; INSPECTION AND SAMPLING.**

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

(B) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent shall be permitted to enter without delay for the purposes of performing specific responsibilities.

(C) The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(D) The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(E) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

(F) Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this chapter.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.106 SEARCH WARRANTS.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

ADMINISTRATIVE ENFORCEMENT REMEDIES**§ 52.120 NOTIFICATION OF VIOLATION.**

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, 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 30 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.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.121 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 §§ 51.123 and 52.124 and shall be judicially enforceable.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.122 SHOW CAUSE HEARING.

(A) The Superintendent may order a user which has violated, or continues to violate, any provision of this chapter, 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.

(B) 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 seven days prior to the hearing.

(C) Such notice may be served on any authorized representative of the user as defined in § 52.004 and required by § 52.061. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.123 COMPLIANCE ORDERS.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, 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.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.124 CEASE AND DESIST ORDERS.

(A) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, 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:

(1) Immediately comply with all requirements; and

(2) 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.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.125 ADMINISTRATIVE FINES.

(A) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, 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 \$2,500. 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 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 1.5% 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 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.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.126 EMERGENCY SUSPENSIONS.

(A) 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.

(B) (1) The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

(a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 52.127 are initiated against the user.

(b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under §§ 52.122 or 52.127.

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

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.127 TERMINATION OF DISCHARGE.

(A) In addition to the provisions in § 52.067, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of individual wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in §§ 52.020 through 52.026.

(B) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 52.122 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.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

JUDICIAL ENFORCEMENT REMEDIES**§ 52.140 INJUNCTIVE RELIEF.**

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the County Circuit Court through the City 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 chapter 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.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.141 CIVIL PENALTIES.

(A) The Superintendent may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(B) 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.

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

(D) (1) Users desiring to dispute such penalties must file a written request for the Superintendent to reconsider the penalty along with full payment of the penalty amount within 30 days of being notified of the penalty.

(2) 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 penalty.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.142 CRIMINAL PROSECUTION.

A user who willfully or negligently violates any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may be referred to the Prosecuting Attorney or to the United States Attorney, upon decision of the City Council.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.143 REMEDIES NONEXCLUSIVE.

(A) (1) The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user.

(2) Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan, however, the Superintendent may take other action against any user when the circumstances warrant.

(B) Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

SUPPLEMENTAL ENFORCEMENT ACTION

§ 52.155 PERFORMANCE BONDS.

The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the city, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.156 LIABILITY INSURANCE.

The Superintendent may decline to issue or reissue an individual wastewater discharge to any user who has failed to comply with any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.157 PAYMENT OF OUTSTANDING FEES AND PENALTIES.

The Superintendent may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines, or penalties incurred as a result of any provision of this chapter, a previous individual wastewater discharge permit, or order issued hereunder.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.158 WATER SUPPLY SEVERANCE.

Whenever a user has violated or continues to violate any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will recommence, at the user's expense, only after the user has satisfactorily demonstrated its ability to comply.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.159 PUBLIC NUISANCES.

A violation of any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of Ord. 861 (and subsequent ordinances) governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.160 CONTRACTOR LICENSING.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city. Existing contracts for the sale of goods or services to the city held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Superintendent.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**§ 52.175 UPSET.**

(A) For the purposes of this section, ***UPSET*** means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An ***UPSET*** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (C) below are met.

(C) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Superintendent within 24 hours of becoming aware of the upset. If the 24-hour notification is provided orally, a written submission must be provided within five days:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of 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, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(F) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.176 PROHIBITED DISCHARGE STANDARDS.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in § 52.021(A) or the specific prohibitions in § 52.021(B)(3) through (B)(18) if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause passthrough interference and that either:

(A) Local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the passthrough interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.177 BYPASS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

BYPASS. The intentional diversion of wastestreams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE. Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. ***SEVERE PROPERTY DAMAGE*** does not mean economic loss caused by delays in production.

(B) *Permissions.* A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (C) and (D) below.

(C) *Bypass notification.*

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(D) *Prohibitions.*

(1) Bypass is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (C) above.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in division (D)(1) above. (Ord. passed 3- -2010; Ord. passed 10- -2012)

FEES

§ 52.190 PRETREATMENT CHARGES AND FEES.

The city may adopt reasonable fees for reimbursement of costs of setting up and operating the city's pretreatment program, which may include:

(A) Fees for wastewater discharge permit applications including the cost of processing such applications;

(B) Fees for monitoring, inspection, and surveillance procedures, including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports and certification statements submitted by users;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals;

(E) Fees to recover administrative and legal costs not included in division (B) above associated with the enforcement activity taken by the Superintendent to address IU noncompliance; and

(F) Other fees as the city may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the city.

(Ord. passed 3- -2010; Ord. passed 10- -2012)

§ 52.191 INCREASE IN RATES.

(A) For usage beginning on or after January 1, 2015, an increase of the minimum bill to \$28.12, reflecting a 1.5% increase over the existing rate, which would continue throughout the entire range of usage.

(B) For usage beginning on or after January 1, 2016, an increase of the minimum bill to \$28.54, reflecting an 1.5% increase over the 2015 rate, which would continue throughout the entire range of usage.

(C) For usage beginning on or after January 1, 2017, an increase of the minimum bill to \$28.97, reflecting a 1.5% increase over the 2016 rate, which would continue throughout the entire range of usage.

(D) Lastly, wastewater rates for wholesale customers shall be subject to the same percentage increases noted herein above; an appropriate, separate ordinance is recommended for modification of the village's wastewater billing.
(Ord. 898, passed 1-12-2015)

§ 52.999 PENALTY.

A user who has violated, or continues to violate, any provision of this chapter, an individual wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be liable to the city for a maximum civil penalty of not less than \$1,000, nor greater than \$2,500.00 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.
(Ord. passed 3- -2010; Ord. passed 10- -2012)

CHAPTER 53: REFUSE AND RECYCLING

Section

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- 53.02 Promulgation of rules and regulations
- 53.03 Collection
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- 53.12 Disposal requirements; industrial process waste
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- 53.14 Improper disposal and transportation of waste prohibited
- 53.15 Waste disposal and recycling fee

- 53.99 Penalty

§ 53.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ASHES. The residue of combustion of such fuels as wood, coal, coke, charcoal, and similar materials.

COMBUSTIBLE WASTE. All waste substances capable of burning, including garbage, paper, rags, excelsior, wood, grass, leaves, and similar materials.

COMMERCIAL ESTABLISHMENTS. Includes all mixed-use structures such as those consisting of both commercial and any number of residential units.

GARBAGE. All putrescible animal solid, vegetable solid, and semi-solid wastes resulting from processing, handling, preparation, cooking, serving, or consumption of food or food materials.

HAZARDOUS WASTE. A solid waste of a combination of solid wastes, that because of its quantity, concentration or physical, chemical, or infectious characteristics, may:

- (1) Cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

INDUSTRIAL PROCESS WASTE. Includes, but is not limited to, oils, lubricants, resins, chemical catalysts, distillation bottoms, ink, paint, sludges, grinding sludges, incinerator ash, core stand, metallic dust sweepings, material which may create asbestos dust, contaminated, or recalled wholesale or retail products.

INFECTIOUS WASTE.

- (1) Waste that epidemiological evidence indicated is capable of transmitting a dangerous communicable disease (as defined by rule adopted under I.C. 16-41-16-4).
- (2) Infectious waste includes the following:
 - (a) Pathological wastes, including tissue, organs, body parts, and blood or body fluids in liquid or semi-liquid form that are removed during surgery, biopsy, or autopsy;
 - (b) Biological cultures and associated biologicals;
 - (c) Contaminated sharps;
 - (d) Infectious agent stock and associated biologicals;
 - (e) Blood and blood products in liquid or semi-liquid form;
 - (f) Laboratory animal carcasses, body parts, and bedding; and
 - (g) Wastes.

NONCOMBUSTIBLE WASTE. All waste substances incapable of burning, including tin cans, tinware and other metallic substances, bottles, glassware, earthenware, ashes, and similar materials and, also, discarded articles, the greater part of which is incapable of burning, such as roofing material, electric batteries, and the like.

PUTRESCIBLE WASTE. Waste that is subject to organic decomposition.

REFUSE. All non-putrescible wastes.

RESPONSIBLE PARTY. Person or persons held accountable for the illegal placement of waste in recycling or solid waste containers.

SOLID WASTE. Any garbage, refuse, sludge from a waste treatment plant, sludge from a water supply treatment plant, sludge from a pollution control facility, or other discarded material including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, or agricultural operations or from community activities.

SOLID WASTE LAND DISPOSAL FACILITY.

- (1) A solid waste facility in or upon the land into which solid waste is disposed.
- (2) Permitted solid waste land disposal facilities shall be classified into one of the following types:
 - (a) Sanitary landfill;
 - (b) Construction/demolition sites; or
 - (c) Restricted waste sites.

YARD WASTE. All vegetative matter including grass, weeds, leaves, brush, tree trimmings, hedge clippings, and garden waste.
(Ord. 846, passed 2-14-2005)

§ 53.02 PROMULGATION OF RULES AND REGULATIONS.

The City Street Superintendent, with the approval of the City Council, shall be authorized to prepare and publish rules for effective administration and enforcement of the provisions of this chapter. Any such rules so published shall have the force of law, and a violation of such rules shall be punishable in the same way as a violation of this chapter.
(Ord. 846, passed 2-14-2005)

§ 53.03 COLLECTION.

The City Street Superintendent, through the adoption and promulgation of rules, shall be authorized to fix and arrange the dates and schedules for the public collection of solid waste in the various sections of the city. Commercial establishments, industrial establishments, and residents residing on private streets in for-profit residential establishments, and in buildings arranged for occupancy with nine residential units or more, shall be responsible for arranging trash pick up through a private hauler of their choice effective May 1, 2005. Solid waste will be collected by the city from residential dwellings

one time per week and must be put out for collection by 7:00 a.m. on the designated day. Any excess accumulation of solid waste or yard waste by residents shall be disposed of by and at the expense of the establishment creating the excess solid waste or yard waste. Any solid waste or yard waste generated by contractors at a private dwelling shall be removed and disposed of or recycled by the contractor and/or person or persons residing there.

(Ord. 846, passed 2-14-2005)

§ 53.04 CONTAINERS FOR HOUSEHOLDS.

Every householder residing in a building arranged solely for occupancy with eight residential units or less shall provide themselves with proper containers for solid waste as provided in § 53.05 sufficient in number for accumulations between the dates of regular collection.

(Ord. 846, passed 2-14-2005)

§ 53.05 CONTAINER SPECIFICATIONS.

No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon his or her premises any solid waste except in containers approved by the City Street Superintendent, which shall be one of the following types:

(A) A 32-gallon (maximum) galvanized or plastic container, with handles, and a lid that is tight-fitting which shall be in place at all times;

(B) Tied plastic bags, which shall not be placed in collection area earlier than 24 hours before scheduled pick up, unless they are placed in an approved rigid container; or

(C) A three cubic yard (maximum) rolling metal dumpster with lids and a top center winch hook.

(Ord. 846, passed 2-14-2005)

§ 53.06 CONTAINER PLACEMENT.

All solid waste containers shall be placed near the public street or near the public alley behind their premises for efficient collection and disposal by the city.

(Ord. 846, passed 2-14-2005)

§ 53.07 CURBSIDE COLLECTION.

Solid waste containers shall be placed at curbside no earlier than 24 hours prior to the scheduled collection time and shall be removed within 24 hours after pick up.

(Ord. 846, passed 2-14-2005)

§ 53.08 ACCUMULATIONS PROHIBITED; COVERINGS ON CONTAINERS.

No solid waste shall be allowed to remain exposed in any building or on any premises for a longer time than shall be reasonably necessary to remove and deposit the waste in proper waste containers. Lids shall be kept on containers holding solid waste at all times.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.09 CLEANING AND DISINFECTING CONTAINERS.

All containers used for solid waste shall be kept clean and disinfected.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.10 DISPOSAL REQUIREMENTS.

(A) When disposing of cardboard boxes, they shall be flattened and stacked neatly. Tree cuttings, not to exceed six feet in length, shall be piled neatly and free of any other solid waste. Newspapers shall be bundles when they are not in an approved container.

(B) Ashes, sawdust, and similar dusty materials must be in tied, plastic bags. Hot ashes are prohibited.

(C) Hazardous wastes, tires, appliances, and furniture shall not be placed in a container with any other solid waste and will not be disposed of by the city.

(D) Infectious waste will not be collected by the city services. Sharps must be placed in a leak-proof, labeled, rigid container in order to be disposed of by sanitation crews.

(E) Lead acid batteries shall not be placed in containers with other solid waste and will not be collected by the city. They should be taken by the resident or business establishment to a battery recycling center.

(F) Motor oil shall not be placed in a container with any other solid waste and will not be disposed of by the city. It is the responsibility of the generator to dispose of motor oil at a reclamation center.

(G) Paint shall not be placed in a container with any other solid waste unless it is in a dry state. Once the paint has dried to a solid state, it can be placed in a container and disposed of by sanitation crews.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.11 AREAS FOR DISPOSAL OF SOLID WASTE OR REFUSE RESTRICTED.

The disposal of solid waste, other than clean fill or concrete by a person in any place, public or private, within the city other than the sites authorized by the State Department of Environmental Management, is prohibited.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.12 DISPOSAL REQUIREMENTS; INDUSTRIAL PROCESS WASTE.

All combustible and noncombustible industrial process waste which is the result of manufacturing a product shall be disposed of or recycled by the person or persons generating such waste at his or her expense.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.13 NUISANCES.

(A) No occupant of any private or commercial premises shall create, or permit to exist any of the following conditions which shall be declared and considered public nuisances:

- (1) Placing bags near an alley or curbside more than 24 hours before scheduled collection;
- (2) Keeping open containers (lids must be kept on at all times);
- (3) Placing trash for collection in cardboard boxes or paper sacks; and

(4) No solid waste shall be permitted to ferment, putrefy, or become odoriferous in containers on private premises.

(B) Occupants who violate any of the provisions of this chapter shall receive a written warning from the city street superintendent notifying said person(s) of the nature of the violation the action necessary to correct said violation and the time within which said violation must be corrected.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.14 IMPROPER DISPOSAL AND TRANSPORTATION OF WASTE PROHIBITED.

(A) No person shall throw, place or deposit solid waste in any street or other place or on any public or private property except in proper waste containers, and no person shall remove the lid from any waste container without replacing it.

(B) No person shall deposit solid waste in any container or on any public or private property without the consent of the property owner. In the event any solid waste is disposed of improperly, the

responsible party causing such a condition to exist shall receive notice of a clean-up fee in accordance with division (F) below.

(C) No person shall turn over or upset the contents of any waste container on any street, sidewalk, or public place.

(D) When waste or recyclables have been set out in containers near a public street, sidewalk, or alley for collection, no person shall remove any part of this material from such container. When waste or recyclables have been set out in containers on private premises, no person shall remove any materials therefrom except with the consent of the owner or lessee of the premises.

(E) Solid waste shall be covered and secured during hauling such that there is no leakage or loss of waste.

(F) (1) In the event any solid waste is disposed of improperly, as above set forth, the property owner or if responsible party can be determined as in divisions (A), (C), (D), and (E) above, permitting or causing such a condition to exist shall first receive five-day written notice from the City Street Superintendent to resolve the situation.

(2) All notices for such violations will be sent to both the property owner and the responsible party. If at the end of the five-day period the condition continues to exist, the Sanitation Department shall have the right to rectify such condition and the property owner and responsible party shall receive notice of clean-up fee. The clean-up fee shall consist of a reimbursement of costs of labor and equipment used as certified by the City Street Superintendent, but shall in no case be less than \$50.

(Ord. 846, passed 2-14-2005) Penalty, see § 53.99

§ 53.15 WASTE DISPOSAL AND RECYCLING FEE.

Pursuant to I.C. 36-9-30-21, there is hereby imposed a waste disposal and recycling fee on the users of the city's solid waste disposal facilities as follows.

(A) The fee shall be the sum of \$5 per residential unit per month.

(B) The fee shall be invoiced on the residential unit's wastewater treatment bill on a monthly basis, set out and accounted for separately. If more than one residential unit (i.e. duplexes, triplexes, and the like) is included on a particular wastewater treatment bill, then the bill shall include a fee of \$5 per residential unit.

(C) All waste disposal and recycling fees collected shall be deposited into a non-reverting fund by the Clerk-Treasurer to be designated the Waste Disposal and Recycling Fee Fund.

(D) The funds in the Waste Disposal and Recycling Fee Fund shall be used solely for landfill fees, capital equipment necessary for waste disposal and recycling activities, and the operation of the city's waste disposal and recycling facilities.

(Ord. 846, passed 2-14-2005)

§ 53.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) Pursuant to § 53.13(B), the notification shall also contain a statement that failure to correct said violation within the prescribed time, or the occurrence of a second violation of this chapter at said location shall result in a fine of \$20, plus reasonable attorney's fees incurred by the city in enforcing this chapter. Once the occupant has been fined for a violation of this chapter, subsequent violations by the occupant shall result in fines which shall increase in increments of \$20, but shall not exceed \$1,000, plus reasonable attorney's fees incurred by the city in enforcing this chapter. Once the occupant has been fined for a violation of this chapter, subsequent violations by the occupant shall result in fines which shall increase in increments of \$20, but shall not exceed \$1,000, plus reasonable attorney's fees incurred by the city in enforcing this chapter.

(C) Failure to pay this fee as described in § 53.14(F), within 30 days to the Clerk-Treasurer will result in the filing of an ordinance violation in a court of competent jurisdiction. The fine levied for such a violation shall be \$50, plus the cost of clean-up plus reasonable attorney's fees incurred by the city in enforcing this chapter. For each subsequent violation of this section by the property owner or responsible party within a 12-month period, the fine shall be \$100, plus costs of clean-up plus reasonable attorney's fees incurred by the city in enforcing this chapter.

(Ord. 846, passed 2-14-2005)