ORDINANCE NO.:2014-02

SEWER USE ORDINANCE

An ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into systems of the Harrison County Regional Sewer District, and providing penalties for violations thereof.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE HARRISON COUNTY REGIONAL SEWER DISTRICT (HEREIN AFTER REFERRED TO AS THE "DISTRICT"),

SECTION I – PURPOSE AND OBJECTIVES

A. This Section sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the District and enables the District to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and amendments thereof and the general pretreatment regulations (40 CFR 403).

B. The objectives of this Section are:

(1) To prevent the introduction of pollutants in the District wastewater treatment system which will interfere with the operation of the system or contaminate the resultant sludge;

(2) To prevent the introduction of pollutants into the District's wastewater treatment system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system; and

(3) To improve the opportunity to recycle and reclaim wastewater and sludge from the system.

C. *Definitions*. Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

(a) "District" shall mean the area defined in the General Ordinance establishing the Harrison County Regional Sewer District in Harrison County, Indiana.

(b) "Act" shall mean the Federal Water Pollution Act as amended by the Clean Water Act, being 33 USC 1251 et seq and as amended.

(c) "Applicable Pretreatment Standard" shall mean any pretreatment limit or prohibitive (federal, state and/or local) contained in this ordinance and considered to be the most restrictive with which non-domestic users will be required to comply.

(d) "Approval authority" shall mean the Indiana Department of Environmental Management or any other state or federal entity granted such power.

(e) "Authorized representative of industrial user" shall mean the following:

1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;
2) A general partner or proprietor if the industrial user is a partnership or proprietorship respectively; or
3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(f) "Average monthly discharge limitation" means 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.

(g) "Beneficial users" shall include, but is not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources of reserves, and other uses, both tangible and intangible, as specified by state or federal law.

(h) "B.O.D." (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter.

(i) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(j) "Closely built-up areas" shall mean and include any areas situated within the boundary of the District upon which areas are located either residential or business buildings.

(k) "Chemical Oxygen Demand (COD)" of sewage, sewage effluent, polluted waters or industrial wastes, is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

(l) "Compatible Pollutant" shall mean a biological oxygen demand, suspended solid, pH, and fecal coliform bacteria, plus additional pollutants identified in any permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

1. chemical oxygen demand,
2. total organic carbon,
3. phosphorus and phosphorus compounds,
4. nitrogen and nitrogen compounds, and

5. fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

(m) "Composite sample" should contain a minimum of eight discrete samples taken at equal time intervals over the composite period or proportional to the flow rate over the composite period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

(n) "Control authority" is either the U.S. EPA, State of Indiana or District.

(o) "Daily discharge" means the discharge of pollutant measured during a calendar year or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

(p) "Dwelling" means any house or place used or intended to be used by human occupants as a place of residence.

(q) "Easement" means an acquired legal right for the specific use of land owned by others.

(r) "Effluent" means the water, together with any wastes that may be present flowing out of a drain, sewer, receptacle or outlet.

(s) "Engineer" means the duly authorized Engineering representative of the District. The individual designated may be the District's Engineer, Engineer of the wastewater treatment plant, consulting civil or environmental engineer to the District, or some similar, acknowledged technically qualified person.

(t) "Environmental Protection Agency (EPA)" means the U.S. Environmental Protection Agency, where appropriate, the term may also be used as a designation for the administrator or other authorized official of the agency.

(u) "Equivalent user" means the average daily residential flow upon which commercial or high use establishments are evaluated for load on the treatment works and for establishing charges. (see Rate Ordinance)

(v) "Fecal coliform" shall mean any number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

(w) "Floatable oils" shall mean oil, fat, grease in any physical state, such that will not separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.

(x) "Foundation drain" means that portion of a building drainage system provided to drain ground water from the outside of the foundation or under basement floor, not including any sewage.

(y) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, dispensing of food, and from handling, storage, and sale of produce.

(z) "Grab sample" shall mean a sample which is taken from a waste stream on a one-time basis with no regard to flow in the waste stream and without consideration of time.

(aa) "Ground garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch (1/2") in diameter.

(bb) "Health Officer" means the health officer of State, County and District.

(cc) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

(dd) "Industrial user" shall mean any industrial or commercial establishment that discharges industrial (process) wastewater to the District.

(ee) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

(ff) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls.

(gg) "Inflow" shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to: roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage.

(hh) "Influent" shall mean water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

(ii) "Inspector" shall mean the person duly authorized by the District through its Board of Trustees, to inspect and approve the installation of building sewers, private sewer systems, and/or their connection to the public sewer system.

(jj) "Limiting layer" means any layer of soil with a stabilized percolation rate exceeding 60 minutes for the water to fall one inch.

(kk) "Major industrial user" shall mean a user of the District-owned treatment works that:

(1) Has a flow of 25,000 gallons of waste or more per average workday;
(2) Has a flow of waste greater than 2.5% of the flow carried by the part of the District system receiving waste;
(3) Has in its waste, a toxic pollutant in amounts as defined in standards issued under 33 USC 1317(a); or
(4) Is found by the Indiana Department of Environmental Management, in connection with the issuance of the NPDES permit to the District-owned treatment works receiving the waste, to have significant impact whether singularly or in combination with other contributing industries, or that treatment works upon the quality of effluent from that treatment works.

(ll) "Maximum daily discharge limitations" means the highest allowable daily discharge.

(mm) "National Categorical Pretreatment Standard or Pretreatment Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 USC 1317(b) and (c) of the Act, which applies to a specific category of industrial users.

(nn) "Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

(oo) "New source" means any source, the construction of which is started after the publication of proposed regulations stating a categorical pretreatment standard will be applicable to such source, provided the standard is promulgated. Where the standard is promulgated later than 120 days after its proposal, a New Source means any source in which construction is started after the date of promulgation of the standard.

(pp) "Non-domestic User" shall mean users whose discharge has an average daily concentration as follows:

CBOD greater than 250 mg/l
TSS greater than 250 mg/l
TKN greater than 30 mg/l

(qq) "NPDES permit" shall mean the National Pollutant Discharge Elimination System permit which sets the conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to 33 USC 1342.

(rr) "Outlet" means any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

(ss) "Person" shall mean any individual, firm, company, association, society, corporation, or group.

(tt) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

(uu) "Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft from which pollutants are or may be discharged. The term does not include return flows from irrigated agriculture.

(vv) "Pollutants" means the following:

(1) "Compatible pollutants" means waste containing biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria.
(2) "Incompatible pollutants" means waste with any pollutant that is not a compatible pollutant.

(ww) "Pollution" means the alteration of the quality of waters of the state by waste to a degree which unreasonably affects such water for beneficial uses or facilities which serve such beneficial uses. The human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.

(xx) "Pretreatment requirements" is any substantive or procedural requirement related to pretreatment of industrial sewage from privately owned sources prior to introduction into the public sewage works.

(yy) "Private sewer" shall mean any sewer, open pit, or treatment plant not owned by a public authority.

(zz) "Public Sewer" shall mean any sewer constructed, installed, maintained, operated and owned by the District established for that purpose. A county drain installed for the purpose of carrying surface water run-off and sub-soil drainage shall not be considered nor used as a public sewer under this definition.

(aaa) "Receiving stream" means the watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.

(bbb) "Residential sewage disposal system" means all equipment and devices necessary for proper conduction, collection, storage, treatment, and on-site disposal of sewage from a one or two family dwelling. Included within but not limited to the scope of this definition are building sewers, septic tanks, subsurface absorption fields, and privy vaults.

(ccc) "Sanitary building drain" shall mean that part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three (3) feet outside the building walls where it connects with its respective building sewer.

(ddd) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and groundwaters are not intentionally admitted.

(eee) "Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments within the District and other areas.

(fff) "Sewage disposal system" shall mean a system which is designed to receive sewage and transport sewage to a proper sewage treatment system.

(ggg) "Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

(hhh) "Sewage works" shall mean all facilities for collecting, pumping treating, and disposing of sewage.

(iii) "Sewer" shall mean a pipe and/or conductor for carrying sewage.

(jjj) "Shall" is mandatory, "May" is permissive.

(kkk) "Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under United States Code.

(lll) "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

(mmm) "Soil Profile Observation" means observations of the physical characteristics of the soil horizons or layers to a depth of at least five feet.

(nnn) "Storm drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

(ooo) "Subsurface absorption field" means open-jointed or perforated pipes laid in a system of trenches into which the effluent from the distribution box is discharged for direct absorption into the soil.

(ppp) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

(qqq) "Total solids" means the sum of suspended and dissolved solids.

(rrr) "Toxic amount" means the concentrations of any pollutant or combination of pollutants which upon exposure to any organism will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to USC 1317(a).

(sss) "Toxic pollutant" means those substances referred to in 33 USC 1317(a) as well as any other known potential substance capable of producing toxic effects.

(ttt) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewer facilities provided.

(uuu) "Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION II: REGULATIONS

Where a sanitary sewer is not available, all persons owning or leasing property in closely built-up areas shall comply with the following provisions of this ordinance for private sewage disposal systems.

A. At any business building, mobile home park, recreational or camp grounds and camps sites situated within the District, where there is installed a sewage disposal system which is not connected to a public sewer system, and no public sewer system is available, there shall be established, installed or constructed and maintained a private sewage treatment system which shall comply with the standards of the Indiana State Department of Health and the Harrison County Health Department.

B. There shall not be any private sewer constructed or maintained within the District except as defined in (A). All private sewers proposed within the District shall secure District approval prior to construction.

C. Should any defect exist or occur in any private sewage disposal system which would cause said sewage disposal system to fail to meet the standards of the Indiana Department of Health or the Harrison County Health Department, the defect shall be corrected immediately by the owner or agent of the owner, occupant or agent of the occupant. Failure to do so shall be a violation of this ordinance and the violation shall be subject to penalties as detailed by this ordinance.

SECTION III. ABBREVIATIONS

As used in this Ordinance.

CFR	Code of Federal Regulations
IDEM	Indiana Department of Environmental Management
ISDH	Indiana State Department of Health
mg	milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
TSS	Total Suspended Solids
WWTP	Wastewater Treatment Plant

SECTION IV: PRIVATE SEWAGE DISPOSAL

A. *Required where sewer unavailable.* Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the Indiana State Department of Health (ISDH) and the Harrison County Health Department.

B. *Construction permit: application.* Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the District, the Harrison County Health Department and/or the Indiana State Department of Health. The application for such permit shall be made on a form furnished by the District and/or Health Department, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Board of Trustees.

C. *Construction permit & inspection.* A permit for the construction of a private sewage disposal system shall not receive final approval until the installation is completed to the satisfaction of the Board of Trustees and Health Department. The District shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the District when the work is ready for final inspection, and before any underground portions are

covered. The applicant must still obtain all required approvals and inspections that may be necessary from the Health Department (local or state) for final approval and acceptance of the system.

D. *Health Department approval.* The type, capacities, location and layout of a private residential sewage disposal system shall also be approved by the Harrison County Health Department, and/or the Indiana State Department of Health (ISDH) and comply with all recommendations of the ISDH. All commercial systems shall be submitted to and approved by the ISDH and the Harrison County Health Department before filing with the District.

E. *Connection to available public sewer.* At the time a public sewer becomes available to a property served by a private sewage disposal system, the District will apprise the affected property owner of this availability by certified mail. A direct connection may be made to the public sewer in compliance with this Section (as permitted by law), at the owner's expense; except as may otherwise be provided by IC 13-26-5-2.5. In addition all septic tanks, seepage pits, outhouses, pit privies and similar private sewage disposal facilities shall be abandoned and filled in a safe and sanitary manner in accordance with the applicable current law.

F. *Sanitary operation and maintenance.* The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.

G. *Grinder pumps*

(l) No grinder pump which has been installed by a developer or property owner shall be accepted by the District for maintenance by the District.

(2) The District may from time to time alter or amend the specifications and regulations regarding such grinder pumps, and such changes shall be effective as the Board of Trustees shall direct.

SECTION V: CONNECTIONS

A. TAP PERMIT AND PAYMENT OF OBLIGATIONS.

(1) No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he or she has satisfied his or her obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such legal obligation that has been duly recorded.

(2) The Board of Trustees shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspout, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have 30 days after notice to comply with this requirement.

(3) No person shall make any new connection of roof downspout, exterior or interior foundation drains, areaway drains, or other sources of surface runoff or ground water to a building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(4) The connection fee shall consist of two components: the tap fee and the capacity fee. The **Tap Fee** shall be a minimum of **$750.00** and is subject to additional charges based on actual costs. Further, the District may waive the tap fee if the tap is performed by someone other than a District employee or its agent and by approval of such waiver of fee by the Board of Trustees.

(5) The **Capacity Fee** is based upon the estimated consumption of the treatment plant's capacity

in terms of cost of plant and shall be based on an equivalency ratio for meter size. The District may alter or modify this fee as it deems appropriate on a case by case basis. District financed or sponsored projects are not subject to this fee. The capacity fee component shall be determined as follows:

Meter Size	Equivalency Ratio	Capacity Charge
5/8 – 3/4 inch	1.0	$500.00
1 inch	2.5	$1,250.00
2 inch	5.0	$2,500.00
3 inch	10.0	$5,000.00

(6) The **Inspection Fee** shall be a $50.00 per hour charge with a **$200.00** minimum..

B. PROPER DESIGN AND CONNECTION REQUIRED.

The Board of Trustees shall prohibit any new connection from inflow sources into the sanitary sewer portions of the sewerage system and shall ensure that new sewers and connections to the sanitary sewers are properly designed and connected.

C. EXTENSIONS OUTSIDE THE DISTRICT'S JURISDICTIONAL LIMITS.

(1) The installation, construction or extension by the District outside the jurisdictional limits of the District and the connection or extension of sewers into the District's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Board of Trustees.

(2) Notwithstanding any aforementioned provisions, the District shall have the authority to permit a property located outside its jurisdictional limits to connect to an existing sewer which is part of the District's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which the sewer is located and provided the property owner or occupant has complied with all the conditions set out herein.

D. BUILDING SEWER PERMITS.

(1) *Required Permit.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance without first obtaining a written permit from the District. This permit may be obtained only by the owner or a licensed plumbing contractor and must be approved by the District or his or her representative prior to being issued. No permit shall be issued to any applicant with a past due account with the District.

(2) *Permit classes & application.* There shall be two classes of building sewer permit: for residential and commercial service; and for service to establishments producing industrial wastes. In either -case, the owner or a licensed plumbing contractor shall make application on a special form furnished by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the District.

E. COSTS BORNE BY OWNER; INDEMNIFICATION OF DISTRICT

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer, including control of erosion from the site of the work.

F. EXISTING BUILDING SEWERS USED WITH NEW BUILDING

Existing building sewers may be used in connection with new buildings only when they are found, on examination and testing by a licensed plumbing contractor, to meet all requirements of this Ordinance.

G. CONFORMANCE WITH BUILDING AND PLUMBING REGULATIONS

The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Indiana Building Code and Uniform Plumbing Code latest additions and applicable standards and specifications of the District.

H. BUILDING PERMIT REQUIREMENTS

Prior to issuance of a sewer tap permit, a building permit will be required for the construction or remodeling of any new structure or addition. The building permit application shall include, but not be limited to, the following:

(1) An accurate, scaled site plan and boundary survey showing:

a. Existing topographical features including potable water supply or well location and existing sanitary sewer facilities and landscaping.

b. Existing easements.

c. Size and location of all proposed construction, including structures and the proposed sewer system.

d. Existing street grades and proposed finished grades and structure floor grading, existing or proposed.

(2) An accurate, scaled building or structure plan showing:

a. Floor plan showing the entire final building or structure, whether existing or proposed, with each room labeled as to its intended use.

I. CONFORMANCE WITH STORM WATER POLLUTION PREVENTION PLAN

Any Owner, Contractor or Developer making a connection to the District sewer system shall prohibit the runoff or tracking of soil from the construction site and shall perform such construction in full compliance with Indiana Administrative Code Title 327 IAC 15-5 and latest amendments thereto.

SECTION VI: INDUSTRIAL SEWERS

A. COMPLIANCE WITH REGULATIONS REQUIRED

All industrial dischargers proposing to connect to or discharge sewage, industrial waste or other waste to the District treatment works must comply with all terms of this Section.

B. COMPLIANCE WITH STATE AND FEDERAL PRETREATMENT STANDARDS; MODIFICATIONS.

(1) *Federal categorical pretreatment standards.* National Categorical Pretreatment Standards as promulgated by the Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories.

(2) *State requirements.* State requirements and limitations on discharges apply in any case where they are more stringent than federal requirements or those contained herein.

SECTION VII: PROHIBITED DISCHARGES

Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters:

A Any liquid or vapor having a temperature higher than 150 degrees F;

B. Any waters or wastes containing more than 100 mg/l of fats, oils, greases or waxes;

C. Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas;

D. Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair;

E. Any garbage that has not been properly ground;

F. Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal of any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the wastewater treatment plant;

G. Any waters or wastes having a pH lower than six (6) or higher than nine (9) or having any other corrosive property capable of causing damage or posing hazards to the structure, equipment or personnel of the sewage works;

H. Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions;

I. Any toxic radioactive isotopes;

J. Any waters or wastes that for a duration of five minutes or more have a concentration more than five times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a 24-hour period of normal operation;

K. Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the wastewater treatment plant, its pumping stations or other facilities.

L. Any waters or wastes containing toxic substances, as defined under Section 307(b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process of the sewage treatment plant or that will pass through the plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority having jurisdiction, or will prevent the disposal of the sludge by the plant in accordance with 33 USC 1345;

M. Any waters or wastes containing non-compatible pollutants as defined herein;

N. Any toxic ions, compounds or substances exceeding the amounts of concentrations as set out below, or as set out in any categorical pretreatment standard of a federal, interstate, state or local authority whichever is more stringent;

Constituent	*Concentration (mg/l)*
Arsenic	0.10
Barium	2.00
Cadmium	0.20
Chromium (trivalent)	2.00

Chromium (total)	3.00
Chromium (hexavalent)	1.00
Copper	2.00
Iron	5.00
Lead	0.20
Manganese	0.40
Selenium	0.02
Silver	0.20
Zinc	2.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00
Nickel	2.00
Cyanide	1.00
Phenol	1.00
Phosphorus	10.00

SECTION VIII: RIGHT OF DISTRICT TO REFUSE CONNECTION

The District reserves the right to refuse connection to any prospective user in the event the sewage requirements of the user, in the judgment of the Board of Trustees, could impose an excessive burden on the utility. The District further reserves the right, in the event of an emergency, to restrict the allowable discharge received from any or all large system users during the time of emergency.

SECTION IX: DILUTION PROHIDITED

No discharge is allowed to increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.

SECTION X: ACCIDENTAL DISCHARGES

A. Each discharger must provide protection from accidental discharge of prohibited or regulated materials or substances. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the discharger's expense. Detailed plans showing facilities and operating procedures to provide the protection must be submitted to the authority for review and be approved by the authority before construction of the facility. Review and approval of plans and operating procedures by the authority will not relieve the discharger from the responsibility to modify its facility as necessary to meet applicable requirements.

B. Dischargers must notify the authority immediately when a slug load or accidental discharge occurs. The notification must include location of the discharge, date and time of occurrence, type of waste, concentration and volume and corrective actions. Any industrial user who

discharges a slug load of prohibited materials will be liable for any expense, including loss or damage to the District treatment works, in addition to the amount of any fines imposed on the authority under state or federal law.

C. Signs must be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of accidental discharge. Employers must instruct all employees who may cause or discover such a discharge as to emergency notification procedures.

SECTION XI: RESPONSIBILITY FOR OBSTRUCTING OR DAMAGING SEWERS

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the District in cleaning out, repairing or rebuilding the sewer.

SECTION XII: SPECIAL AGREEMENTS

No statement contained in this Ordinance shall be construed as prohibiting any special agreement or arrangement between the District and any person whereby an industrial waste of unusual strength or character may be accepted by the District for treatment either with or without pretreatment, provided there is no impairment of the functioning of the sewage works by reason of the admission of such wastes and no extra costs are incurred by the District without compensation by the person.

SECTION XIII: EXCLUSION OF CERTAIN WASTES; PRIOR APPROVAL FOR CERTAIN WASTES

A. *Exclusion of certain wastes.* Provision is made for the exclusion of certain industrial wastes by the Board of Trustees.

(1) For all industrial wastes;

(2) For certain industrial wastes which because of their constituents (toxicity, acidity and the like) impair the functioning of the wastewater treatment plant; and

(3) For temporary exclusion of all or certain industrial wastes when conditions are such that NPDES permit restrictions cannot be met.

B. *Prior approval for certain wastes.* Review and acceptance by the District shall be obtained prior to the discharge into the public sewers by any person of sewage wastes that have:

(1) A BOD greater than 200mg/l;

(2) A suspended solids content greater than 250 mgfl; or

(3) Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of the sewage works or to health, whether by themselves or through interactions with other wastes in the public sewers.

SECTION XIV: PRETREATMENT FACILITIES

A. *Pretreatment and modification.* When, after making such a review, the District concludes that, before the person discharges his or her wastes into the public sewers, he or she must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the sewage works or injurious to health, then the person shall either modify his or her wastes at the point of origin or shall provide and operate at his or her own expense

such preliminary treatment or processing facilities as may be determined to be necessary to render his or her wastes acceptable for admission to the: public sewers.

B. *Prior approval of pretreatment facilities.* Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the District for examination and approval and no construction of such facilities shall begin until the District, through its Board of Trustees, has given its written approval for filing such Plans with IDEM for a construction permit The approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities which such adaptations of such facilities when such adaptations prove necessary to secure the results desired.

C. *Operation of pretreatment facilities.* Where the preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his or her own expense and shall be subject to periodic inspection by the District. The person shall maintain suitable operating records and shall submit to the District such monthly summary reports of the character of the influent and effluent as the latter may prescribe.

D. *Pretreatment of wastewater.*

(1) Industrial users must provide necessary wastewater treatment as required to comply with this Ordinance and or/federal categorical pretreatment standards within the time limitations as specified by the applicable regulation. Any facilities required to pretreat wastewater to a level acceptable to the District must be provided, operated and maintained at the industrial user's expense.

(2) All plans and operating procedures must be submitted to the District and IDEM before construction of the facility. This requirement also applies to state regulations in which plans must be approved by the Plan Review Section of IDEM.

SECTION XV: GREASE TRAPS

Whenever the District determines that interceptors or traps are needed to protect the sewerage system or the operations of the wastewater treatment plant from grease, oil, sand or similar substances occurring in a customer's sewage, then such traps shall be installed by the customer on his or her own lines at his or her own expense and shall be so maintained by him or her so that none of the substances can be carried over into the public sewers. All traps shall be subject to the District's approval as to construction, location and installation.

SECTION XVI: SUBMISSION OF DATA ON INDUSTRIAL WASTES

A. Any person who discharges industrial wastes into the District's sewerage system, either directly or indirectly shall, upon the written request of the Board of Trustees, fill out and file within the District within 90 days an industrial waste questionnaire to be furnished by the District, in which he or she shall set out the quantity and characteristics of the wastes discharged into the District's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the Purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

B. When special circumstances such as the size or complexity of his or her sewerage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed 90 days, may be granted by the Board of Trustees upon presentation of a proper application.

SECTION XVII: CONTROL MANHOLES

A. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Trustees, upon recommendation of the District, to construct and maintain at his or her own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his or her wastes. Such manholes shall be constructed in accordance with the standards and specifications of the District. The Board may also require the person to install and maintain in any such manhole at the person's expense an approved volume-measuring device, sampling device or special monitoring equipment.

B. Plans for the installation of control manholes and related equipment must be approved by the Board of Trustees, upon recommendation of the District and/or the District's Engineer, before construction is begun.

SECTION XVIII: WASTE SAMPLING; STANDARD METHODS

A. *Waste sampling.*

(1) Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the District deems it necessary (but at least twice a year) and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Sampling period shall be determined by the District. Every care shall be exercised in collecting the samples to insure their preservation until analyzed in a state comparable to that at the time the samples were collected.

(2) The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shah be subject to the approval of the Board of Trustees. Access to the sampling facilities shall be granted at all times to the District or their duly authorized representative.

B. *Waste analyses.* Laboratory procedures used in the examination of industrial wastes shall be those recognized by the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. However, alternative methods for certain analyses of industrial wastes may be used subject to agreement between the District and the customer. The District may make the initial analysis and any regular periodic-check analysis of the customer's waste, as well as other tests the District may deem advisable, and the cost of any analysis made by the District shall be charged to the customer according to the standard work order billing practices. All such analyses shall be binding and conclusive in determining strength of water surcharges and other matters which are dependent upon the character and concentration of wastes.

C. *Use of representative analyses.* Until an adequate analysis of a representative sample of customer's wastes has been obtained, the District shall, for the purpose of this Ordinance, make determination of the character and concentration of the customer's wastes by using data based on analyses of similar processes or data for his or her type of business that are available from the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the District, shall continue until an adequate analysis has been made.

SECTION XIX: MODIFICATIONS; TIME SCHEDULE FOR COMPLIANCE

The District reserves the right to amend this Section and its terms and conditions in order to assure compliance with applicable laws and regulations. The discharger must be informed of any proposed changes in this Section at least 30 days prior to the effective date of the change. Any changes or new conditions in the Ordinance must include a reasonable time schedule for compliance.

SECTION XX: REVOCATION OF TREATMENT SERVICES

The District may seek to terminate the wastewater treatment Services to any discharger which:

A. Fails to factually report the wastewater constituents and characteristics of its discharge;

B. Fails to report significant changes in wastewater constituents or characteristics;

C. Refuses reasonable access to the discharger's premises by representatives of the District for the purpose of inspection or monitoring; or

D. Violates the conditions of this Ordinance or any final judicial order entered with respect to provisions herein.

SECTION XXI: REPORTS

A. *Compliance schedule.* Any non-categorical industry which is not in compliance with the District's limitations must develop a compliance schedule during which time the industry must meet the District's standards. The schedule should contain increments of progress, {hiring engineers, starting construction and the like} which correspond to specific dates for their completion. These represent major events leading to the operation of pretreatment equipment to meet the District's pretreatment standards. All industrial users subject to these conditions must submit a progress report to the District no later than 14 days following each date in the compliance schedule. This report must include whether it complied with the increment of progress to be met on that date, the reason for the delay if the date was not met, and the steps being taken to return to compliance. In no event can more than six (6) months elapse between progress reports.

B. *Compliance schedule reports (categorical industries).* These reporting conditions apply to the compliance schedule required in 40 CPR 403.12(b)(7). This schedule is necessary whenever an industrial user is not meeting categorical pretreatment standards at the time of promulgation of that standard. The schedule contains increments of progress (hiring an engineer, completing plans, commencing construction, completing construction and the like) which correspond to specific dates for their completion. These represent major events leading to the construction and operation of additional pretreatment required for the industrial user to meet the applicable categorical pretreatment standards.

C. *Monthly reports.* This requirement calls for the submission of all notices and self-monitoring reports from industrial users that are necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. These reports will normally be required on a monthly basis.

D. *Baseline report.*

(1) Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made on a category, whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the District treatment works will be required to submit to the District or other control authority a report containing the information listed in 40 CFR

403.12(b)(1)-(7).

(2) Upon promulgation of a categorical pretreatment standard, the control authority (either EPA or IDEM) will provide the appropriate 12(b) report for distribution to the industrial users who are affected by the promulgated standard. The industrial users are then required to submit the completed report to the control authority.

E. *Compliance date report.*

(1) Within 90 days following the date for final compliance with an applicable pretreatment standard, any industrial user subject to those standards must submit to the control authority a report indicating the nature and concentration of all pollutants in the discharge generated from the regulated process which are limited by categorical pretreatment standards.

(2) The report must also state whether applicable standards are being met on a consistent basis and, if not, what additional pretreatment is necessary to bring the discharge into compliance. This statement should be signed by an authorized representative of the industrial user.

F. *Periodic reports on continued compliance.* Any discharge subject to an applicable pretreatment standard must submit to the control authority at least once annually, or more frequently if required by the control authority, following the final compliance date of that pretreatment standard, a report indicating the nature and concentration of prohibited or regulated substances in the discharge which are limited by the categorical pretreatment standards. In addition, this report must include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows are to be reported on the basis of actual measurement, except, where cost or feasibility considerations justify, the control authority may accept reports of average and maximum flows estimated by verifiable techniques. The control authority, considering such factors may authorize submission of the reports on months other than those specified herein.

SECTION XXII: INSPECTION AND SAMPLING

The control authority may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Ordinance. The discharger must allow the control authority or its representatives, upon presentation of credentials of identification, to enter his or her premises at all reasonable hours for the purposes of inspection, sampling or records examination. The control authority has the right to set up on the discharger's property any equipment that is necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. The control authority need not give notice to the industry of an unscheduled inspection.

SECTION XXIII: RECORD RETENTION

All dischargers subject to local, state or federal regulations must retain and preserve for at least three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the District or other authority must be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation concerning any appeals have expired.

SECTION XXIV: CONFIDENTIAL INFORMATION

A. Information and data furnished to the control authority with respect to the nature and frequency

of discharge will be made available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the control authority that the release of such information would divulge information, methods of production entitled to protection as trade secrets or proprietary information of the discharger.

B. When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes will not be made available for inspection by the public but will only be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report will be available for use by any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. Information accepted by the control authority as confidential will not be transmitted to any governmental agency or to the general public by the control authority unless a 10 day notification is given to the discharger,

SECTION XXV: ADMINISTRATION AND ENFORCEMENT

A. *Bylaws, rules and regulations.* The Board of Trustees of the District shall, in accordance with the state statutes, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the Municipal's sewage works, for the construction and use of building sewers and connections to the sewerage system and, in general, for the implementation of the provisions of this Ordinance.

B. *Amendment.* The District reserves the right to amend this Ordinance, in part or in whole, as provided and permitted by the state statutes, whenever it may deem necessary.

SECTION XXVI: SUSPENSION OF SERVICE

The District may suspend the wastewater treatment service and/or wastewater permit of a discharger if it appears to the authority that an actual or threatened discharge presents an imminent danger to the welfare of persons, to the environment, to the operation of the POTW or violates any pretreatment limits or any wastewater permit. Any discharger notified of the suspension of wastewater treatment service and/or any discharger's wastewater permit must, within a reasonable period of time as determined by the Board of Trustees, cease all discharges. If the discharger fails to comply voluntarily with the suspension order within the specified time, the Board of Trustees must immediately commence judicial proceedings unless the discharger can prove the elimination of the noncomplying discharge of conditions as outlined in this Ordinance.

SECTION XXVII: REVOCATION OF PERMIT

The Board of Trustees may revoke the permit of any discharger failing to:

A. Factually report the wastewater constituents and characteristics of its discharge;

B. Report significant changes in wastewater constituents or characteristics;

C. Refuses reasonable access to his or her premises by representatives of the District for the purpose of inspection or monitoring; or

D. Violates the conditions of his permit, this Ordinance or any final judicial order.

SECTION XXVIII: SHOW CAUSE HEARING

Where a violation of this Ordinance or of applicable pretreatment regulations occurs and is not corrected by timely compliance, the proposed permit revocation action should not be taken until the following procedure is initiated. A written notice must be served on the discharger by personal service, certified or registered mail, specifying the time and place of a hearing to be held by the District. The hearing will consider the violation, the proposed enforcement action, reasons why the enforcement action is to be taken and directing the discharger to show cause before the Board of Trustees as to why the proposed enforcement action should not be taken. The notice of the hearing must be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing will be considered by the Board of Trustees and appropriate orders with respect to the alleged improper activities of the discharger will be issued.

SECTION XXIX: LEGAL ACTION

If any person discharges sewage, industrial wastes or other wastes into the District wastewater disposal system contrary to this Ordinance, federal or state pretreatment requirements, or any order of the Board of Trustees, the District's Attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of Harrison County.

SECTION XXX: DISCHARGER'S RIGHT TO APPEAL

Any discharger or any interested party has the right to request in writing an interpretation or ruling by the Board of Trustees on any matter covered by this Ordinance and is entitled to a prompt written reply. In the event that such an inquiry is by the affected discharger and deals with matters of compliance with the Ordinance or deals with a wastewater 'permit, receipt of the discharger's request will delay all enforcement proceedings until he receives the written reply.

SECTION XXXI: UPSETS

A. Any discharger that experiences an upset in operations which places the discharger in a temporary state of noncompliance with this Section or a wastewater permit must inform the District within 24 hours of the upset occurrence. When such information is given orally, a written report must be sent to the District within five days. The report must specify:

(1) The description of the upset, the cause and the upset's impact on the discharger's compliance status;

(2) The duration of noncompliance, including times and dates of noncompliance; and

(3) The steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset.

B. A documented and verified operating upset can be an affirmative defense to any enforcement action brought by the authority against a discharger for noncompliance if the requirements of 40 CPR 403.16(c) are met.

SECTION XXXII: DUTIES AND AUTHORITY OF ENFORCEMENT OFFICIALS

The provisions of this Ordinance shall be enforced by the Board of Trustees. Whenever the Board of Trustees shall deem it appropriate to charge a person with a violation of this Section, he or she shall issue to such person a notice of violation which shall be processed according to the provisions of IC 36-1-6-1 through 36-1-6-4. The Board of Trustees and/or

District shall cause to be prepared, in duplicate; suitable serially-numbered forms of such notices of violation and shall issue a supply of them, taking their receipts therefore; provided only that such notice of violation forms shall not be printed until it has been approved by the District's Attorney or his or her authorized associate. The District shall make a written accounting to the Board of Trustees of his or her disposition of the notice of violation forms issued by him or her. The District shall each month make a written report to the Board of Trustees, with copies to the District's Attorney, of the disposal made of the notice of violation forms issued by them. These reports shall be public records.

SECTION XXXIII: VIOLATIONS

A. Any person found to be violating or failing to comply with any of the provisions of this Section shall be served by the District with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

B. Any person violating any of the provisions of this Section set out above and convicted thereof shall become liable to the District for any expense, loss or damage occasioned by reason of such violation.

C. Any violation of this Ordinance is declared to be a public nuisance.

D. Any person who violated any provisions of this Section which, in the judgment of the Board of Trustees, requires the services of a commercial laboratory shall be liable for all costs of such service.

SECTION XXXIV: PENALTY

A. Any person violating any provision of this Ordinance shall be subject to penalties as follows: Fines shall be assessed at the discretion of the District in an amount from zero ($0) up to, but not to exceed, Two Thousand Five Hundred Dollars ($2,500.00) per day plus any expenses, loss or damage that may have occurred to the District by reason of such infraction. Such fines may be assessed on a per violation, per day basis.

B. Assessments may be added to the user's next scheduled sewer service charge and the District shall have such other collection remedies as may be available for other service charges or fees.

C. Unpaid charges, fines, and penalties shall be assessed an additional penalty of ten percent (10%) of the unpaid balance if not paid within fourteen (14) days of the date of the notice. A lien against the individual user's property may be sought for unpaid charges, fines and penalties.

D. Users desiring to dispute such fines must file a written request for the District to reconsider the fine along with the full payment of the fine amount within sixty (60) days of being notified of the fine. Where a request has merit, the District shall convene a hearing on the matter within fourteen (14) days of receiving the request from the user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the user.

SECTION XXXV: RIGHT OF ENTRY

A. Upon presentation of proper credentials and identification, the District, their Inspector and other duly authorized employees or agents of the District shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The District or his representative shall

have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

B. While performing any necessary work: on private properties, the District or duly authorized employees or agents of the District shall observe all safety rules applicable to the premises as established by the property owner, The property owner shall be held harmless for injury or death to the District employees and the District shall indemnify the property owner against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the inspection, gauging and sampling operation, except as such may be caused by negligence or failure of either party to maintain safe working conditions.

C. The District and duly authorized employees or agents of the District shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION XXXVI: IMPLEMENTATION

A. The invalidity of any Section, clause, sentence or provision of this Ordinance shall not affect the validity of any part of this Ordinance which can be given effect without such invalid part or parts.

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

Passed and Adopted by the HARRISON COUNTY REGIONAL SEWER DISTRICT through its Board of Trustees this 17th day of September, 2014.

Tom Tucker, President

Darin Duncan

Gary Davis

Tony Combs

Jim Klinstiver

Dan Lee

Bill Byrd

ATTEST:

Christopher Byrd
District Attorney