

(AMENDING ORDINANCE NOS. 55.001, 55.002, [formerly Ordinances 79-5a and 95-8])

AN ORDINANCE REGULATING THE CONNECTION TO AND USE OF THE DISCHARGE OF WATERS AND WASTES INTO THE SEWAGE SYSTEM OF LEBANON UTILITIES

WHEREAS, the City of Lebanon, Indiana (the "City") owns and operates by and through the Lebanon Utility Service Board (the "Board"), a municipally owned utility known as Lebanon Utilities (the "Utility"); and

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

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

NOW, THEREFORE, BE IT CONSIDERED, ORDAINDED, AND ADOPTED by the Common Council of the City of Lebanon, the existing ordinances, rules, and regulations concerning the standards and requirements related to the connection and operation of the wastewater system are amended, replaced, or supplemented (Ordinance Nos. 55.001, 55.002, [formerly Ordinances 79-5a and 95-8]) as follows:

CHAPTER 55: SEWERS AND SEWAGE DISPOSAL

GENERAL PROVISIONS

₿§ 55.001 DEFINITIONS.

For the purposes of this ordinance, the following definitions shall apply and supersede the definitions provided in the Lebanon Utilities General Terms and Conditions for Wastewater Service. Additional definitions are provided in the Lebanon Utilities General Terms and Conditions for Wastewater that may apply to this ordinance.

ACT. The Federal Water Pollution Control Act, also known as that Clean Water Act; the primary federal law in the United States governing water pollution as amended, 33 U.S. S. § 1251 et seq.

APPROVAL AUTHORITY. The approval authority for the City of Lebanon Utilities Wastewater Department is IDEM.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the carbonaceous, biochemical oxidation of organic matter under standard laboratory procedures for

five days at 20 degrees centigrade, usually expressed as a concentration (e.g. mg/L) as defined in the current in *Standard Methods*.

BOARD. The Lebanon Utility Service Board is the governing body of the sewage system of the city, which system is a municipal utility.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD). The CBOD of sewage, sewage effluent, polluted waters or industrial wastes, shall mean the depletion of dissolved oxygen by biological organisms in a body of water in which the contribution from nitrogenous bacteria has been suppressed. The laboratory determinations of **CBOD** shall be made in accordance with procedures set forth in *Standard Methods*.

CHEMICAL OXYGEN DEMAND (COD). The COD of sewage effluent, polluted water or industrial wastes, is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in *Standard Methods*.

CITY. The City of Lebanon, Indiana.

COMPATIBLE POLLUTANTS. Wastewater having or containing:

- (1) Measurable carbonaceous biochemical oxygen demand;
- (2) Suspended solids;
- (3) pH;
- (4) Fecal coliform bacteria; or
- (5) Additional pollutants identified or defined in the city's national pollutant discharge elimination system (NPDES) permit or by the state or board.

COMPOSITE SAMPLE. A Composite Sample should contain a minimum of four discrete samples, taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable. This sample must be thoroughly mixed for testing procedures to ensure accurate results.

COUNCIL. The Common Council of the City of Lebanon, Indiana, or any duly authorized officials acting upon its behalf.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Region 5 Water Management Division Director, or other duly authorized official of said agency.

EQUIPMENT. All movable, non-fixed items necessary to the wastewater treatment process.

GARBAGE. Any solid wastes from the preparation, cooking or dispensing of food, or from the handling, storage or sale of produce.

FINE or PENALTY. For purposes of this ordinance, these terms will be used synonymously, meaning a monetary charge or payment imposed upon a person or user that is not complying with the requirements of this ordinance or has been convicted of a crime or offense. Fines or Penalties are imposed by the Utility to the user as part of enforcement actions.

GENERAL TERMS AND CONDITIONS OF SERVICE. The terms and conditions for services, as codified and as amended and supplemented from time to time, shall govern all Wastewater Service rendered or to be rendered by Utility. The terms and conditions for service

shall be binding upon every Customer and Utility, and shall constitute a part of the terms and conditions of every contract for Wastewater Service, whether written or oral.

GRAB SAMPLE. A sample taken on a one-time basis without consideration for flow or time.

HAULED OR TRUCKED POLLUTANTS. Wastes, including holding tank waste, which is trucked or hauled from any location prior to discharge to the POTW, collection system, or by any other conveyance.

INDIRECT DISCHARGER. A nondomestic discharger introducing pollutants into a POTW, regardless of whether the discharger is within the governmental jurisdiction of the permittee.

INDUSTRIAL USER. Means an indirect discharger.

INSPECTOR. A person authorized by the Board or the Wastewater Operations Manager to perform inspection duties assigned by them, him or her.

INTERFERENCE. A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

- (1) Inhibits or disrupts the sewage works, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
- (2) Causes odorous impacts to the sewage works.
- (3) Causes a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.
- (4) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent federal, state, or local laws, rules, or regulations:
- (5) Section 405 of the Clean Water Act (33 U.S.C. 1345), as it may be amended.
- (6) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), as it may be amended, including:
 - (a) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), as it may be amended; and
 - (b) the rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941), as it may be amended.
- (7) The Clean Air Act (42 U.S.C. 7401), as it may be amended.
- (8) The Toxic Substances Control Act (15 U.S.C. 2601), as it may be amended.

LOCAL LIMIT. Specific discharge limits developed and enforces by the City of Lebanon upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5 (a)(1) and (b).

MAJOR CONTRIBUTOR. This definition is no longer applicable to the City's ordinances and has been replaced by the term Significant Industrial User.

MAXIMUM ALLOWABLE DISCHARGE UNIT. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent or the industrial flow rate and the duration of the sampling event.

MAY. The act referred to is both permissible and approved.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

PERMIT. NPDES Permit now or hereafter held by the city and setting forth conditions for the discharge of any pollutants or combination of pollutants.

NORMAL DOMESTIC SEWAGE (TO DETERMINE SURCHARGES). Wastewater or sewage having an average daily concentration as follows:

- (1) CBOD₅ not more than 210 mg/l;
- (2) TSS not more than 240 mg/l;
- (3) FOG not more than 100 mg/L;
- (4) Phosphorus not more than 1 mg/L; and
- (5) TKN not more than 40 mg/l.

OPERATION AND MAINTENANCE COSTS. All costs, direct and indirect, including but not limited to, replacement costs necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and to produce discharges to receiving waters that conform with all related federal, state, and local requirements.

PASS THROUGH. A discharge proceeding through a POTW into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, 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, individuals, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agency or assigns. This definition includes all federal, state, and local governmental entities.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units of 0-14.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, toxic wastes, hazardous substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural wastes or any other contaminant discharged into water.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirements related to pretreatment, other than a pretreatment standard, imposed on an industrial user, including applicable local limits.

PRETREATMENT STANDARDS. Any state pretreatment standards as established in 327 IAC 5-18-8; pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2; National Categorical Pretreatment Standards incorporated by reference in 327 IAC 5-18-10.

PROCESS WASTEWATER. Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 55.302 or this ordinance.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 55.302 of this ordinance.

PUBLIC SEWER. A sewer owned by the City and/or Utility.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works owned by the municipality and includes any devices, structures and systems used in the storage, treatment, recycling, and reclamation of sewage, sludge and compatible industrial wastes. This term also includes sewers, pipes, equipment, and other conveyances only if they convey wastewater to a POTW. POTW also means the municipality that has jurisdiction over the indirect discharges to and the discharges from the treatment works.

RECEIVING SEWER SYSTEM. The Lebanon Municipal Sewer System.

REPLACEMENT COSTS. The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the POTW to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWAGE. Sewage discharge from the sanitary conveniences of dwelling (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water, and industrial waste.

SEWAGE. A combination or the water-carried wastes from residences, business buildings, institutions, industrial establishments or other structures.

SEWAGE WORKS. All facilities for collecting, transporting, pumping, treating, and disposing of sewage and sludge.

SEWER. A pipe or conduit laid for carrying sewage or other liquids, and solids suspended or entrained therein.

SEWERAGE (SEWER) SYSTEM. The network of municipally owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to the treatment plant.

SHALL. The act referred to is mandatory.

SHREDDED GARBAGE. Garbage that is shredded to a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half inch in dimension.

SIGNIFICANT INDUSTRIAL USER (SIU). The term SIU means:

- (1) Industrial Users subject to Pretreatment Standards under 327 IAC 5-18-10.
- (2) An Industrial User that:
 - (a) discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
 - (b) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
 - (c) is designated as such by the Utility on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation, violating a pretreatment standard, or violating a requirement of 327 IAC 5-19-3.
- (3) The approval authority may, on its own initiative or in response to a petition received from an Industrial User or a POTW and in accordance with 327 IAC 5-

19-3(6), determine that an Industrial User is not a Significant Industrial User if it does not meet (2)(c) of this definition.

SIGNIFICANT NONCOMPLIANCE. Means the status of an Industrial User that has caused or allowed a violation that meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (2) Technical Review Criteria (TRC) violation, defined here as those in which thirtythree percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for CBOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Wastewater Operations Manager determined has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Utility personnel or the public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Utility's exercise of its emergency authority to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations which the Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD or SLUG DISCHARGE. Any discharge at a flow rate or concentration that could cause a violation of Sections 55.300 through 55.311 of this ordinance.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record 40 CFR Part 136.

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

SURCHARGE. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of normal domestic sewage.

TIME COMPOSITE SAMPLE. A sample resulting from the combination of individual samples of equal volume taken at equal intervals of time, without consideration of the volume or rate of flow.

TOTAL BIOCHEMICAL OXYGEN DEMAND (TBOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20°C, expressed in parts per million (ppm) or milligrams per liter (mg/l).

TOTAL KJELDAHL NITROGEN (TKN). TKN is the total concentration of organic nitrogen, ammonia and ammonium in soil, water, or wastewater.

TOTAL SUSPENDED SOLIDS (TSS). 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.

UPSET. An exceptional incident in which there is unintentional and temporary noncompliance with Pretreatment Standards because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

USER. A person who introduces into or discharges into the sewage works, including both the owner and occupant of real estate from which is introduced or discharged into the sewage works, any substance whatever.

USER CHARGE. A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works as may be amended from time to time by the City Council.

USER CLASSES. Each recipient of municipal wastewater treatment services shall be either in the industrial class or the nonindustrial class (including domestic, commercial, institutional and governmental).

- (1) **INDUSTRIAL USER.** Includes any user determined by the Utility to be discharged waste resulting from any industrial or manufacturing process; from the development, recovery or processing or any natural resource or from any other process or operation which produces waste of a strength greater than sanitary waste.
- (2) **NONINDUSTRIAL USER.** All domestic and governmental users and those industrial, commercial and industrial users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity as determined by the Board.

UTILITY. Lebanon Utilities is the municipally owned wastewater utility serving the City of Lebanon, Indiana.

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

WASTEWATER OPERATIONS MANAGER. The person designated by the Utility to supervise the operation of the sewage works, POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

(Prior Code, § 25-79) (Ord. 79-5, passed 3-12-1979; Ord. 1991-SEW-5, passed 5-13-1991)

₿ \$ 55.002 BYLAWS AND REGULATIONS OF THE UTILITY SERVICE BOARD.

The Board may adopt and enforce reasonable regulations not in conflict herewith as it may deem necessary for the safe, economical and efficient management of the Utility's sewage works and for the construction and use of building (or house) lateral sewers and connections to the sewage works, which regulations may include limitations of or prohibition of introduction of stormwater, surface water and groundwater into the sewage works.

(Prior Code, § 25-80) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

₿ § 55.003 DAMAGING, DEFACING AND THE LIKE, SEWAGE WORKS PROPERTY.

A person shall not maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage works.

(Prior Code, § 25-82) (Ord. 79-5, passed 3-12-1979)

₿§ 55.004 RIGHT OF ENTRY

Representatives of the Utility, State and the EPA, upon reasonable notice to any person who is an owner, tenant or occupant of any real estate, are empowered to enter, upon presentation of proper credentials, all premises for the purposes of inspection, observation, measuring, sampling and testing water, sewage and industrial waste.

(Prior Code, § 25-83) (Ord. 79-5, passed 3-12-1979)

₿ 55.005 LEGAL AUTHORITY.

The Board and the Utility have the legal authority to:

- (A) Develop and enforce specific limits on prohibited substances;
- (B) Enter the premises of any industrial user to conduct inspections, surveillance, record review and/or monitoring, as necessary to determine compliance with the sewer use ordinance and, if applicable, any effective industrial wastewater pretreatment permit;
- (C) Accept or deny any new or increase discharges from any indirect discharger;
- (D) Immediately halt or prevent any discharge of pollutants to the sewage works which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;
- (E) Require compliance with all applicable pretreatment standards and requirements by indirect discharges;

- (F) Impose fees, if necessary to offset the cost incurred by the permittee for administering the pretreatment program requirements established in this ordinance; and
- (G) Impose fines in accordance with Sections 55.100 55.199 of this ordinance.

§ 55.006 ADMINISTRATION.

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this ordinance. The General Manger may delegate any powers granted to or duties imposed upon the Wastewater Operations Manager or to other Utility personnel.

₿ 55.007 RESERVED FOR FUTURE USE.

The following sections are reserved for future use: 55.007 through 55.099.

ENFORCEMENT

₿ \$55.100 ADMINISTRATIVE ENFORCEMENT REMEDIES.

(A) Informal Notification of Violation

When the Wastewater Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Operations Manager may serve upon that user an informal Notice of Violation via email, phone call, or other method. Within 10 days of the receipt of this 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 Wastewater Operations Manager. Submission of this 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 Wastewater Operations Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(B) Written Notification of Violation

When the Wastewater Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Operations Manager, may serve upon that user a written Notice of Violation. Within 10 days of the receipt of this 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 Wastewater Operations Manager. Submission of this 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 Wastewater Operations Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(C) Consent Orders

The Wastewater Operations Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 Sections 55.100 (D) and 55.100 (E) of this ordinance and shall be judicially enforceable.

(D) Show Cause Hearing

The Wastewater Operations Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Wastewater Operations Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 21 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(E) Compliance Orders

When the Wastewater Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Operations Manager 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 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.

(F) Cease and Desist Orders

When the Wastewater Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a 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 Wastewater Operations Manager 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.

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

- (G) Administrative Fines
 - When the Wastewater Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Operations Manager may impose a fine of not more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8 (a) (10) (B), or as hereafter re-codified.
 - (2) 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% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
 - (3) Users desiring to dispute such fines must file a written request for the Wastewater Operations Manager 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 Wastewater Operations Manager 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 costs of preparing administrative enforcement actions, such as notices and orders, may be added to the fine.
 - (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (H) Emergency Suspensions

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

(1) 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 Wastewater Operations Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewage works, its receiving stream, or endangerment to any individuals. The Wastewater Operations Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Wastewater Operations Manager that the period of endangerment has passed, unless the termination proceedings in Section 55.100 (I) of this ordinance are initiated against the user.

(2) 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 Wastewater Operations Manager prior to the date of any show cause or termination hearing under Sections 55.100 (D) and 55.100 (I) of this ordinance.

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

- (I) Termination of Discharge
 - (1) Any user who violates the following conditions is subject to discharge termination:
 - (a) Violation of wastewater discharge permit conditions;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - (d) Refusal of reasonable access to the user's premises for inspection, monitoring, or sampling; or
 - (e) Violation of the pretreatment standards in Sections 55.400 through 55.499 of this ordinance.
 - (2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 55.100 (D) of this ordinance why the proposed action should not be taken. Exercise of this option by the Wastewater Operations Manager shall not be a bar to, or a prerequisite for, taking any other action against the user.

§ 55.101 JUDICIAL ENFORCEMENT REMEDIES

(A) Injunctive Relief

When the Wastewater Operations Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Wastewater Operations Manager may petition the appropriate Court through the Utility's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Wastewater Operations Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) Civil Fines

- (1) A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Utility for a maximum civil fines per violation, per day in accordance with Indiana Code 36-1-6-4 or as may be recodified. 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.
- (2) The Wastewater Operations Manager may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Utility.
- (3) In determining the amount of civil liability, the Court shall consider 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.
- (4) Filing a suit for civil fines shall not be a bar against, or a prerequisite for, taking any other action against a user.
- (C) Criminal Prosecution
 - (1) A user who willfully or recklessly violates any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may be punished by a fine and/or criminal prosecution as applicable.
 - (2) A user who willfully or recklessly introduces any substance into the sewage works which causes personal injury or property damage may be punished by a fine and/or criminal prosecution as applicable.
 - (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance may be punished by a fine and/or criminal prosecution as applicable.
- (D) Remedies Nonexclusive

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

₿§ 55.102 SUPPLEMENTAL ENFORCEMENT ACTION.

(A) Performance Bonds

The Wastewater Operations Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous 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 Utility, in a sum not to exceed a value determined by the Wastewater Operations Manager to be necessary to achieve consistent compliance.

(B) Liability Insurance

The Wastewater Operations Manager may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this ordinance, a previous 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 sewage works caused by its discharge.

(C) Water Supply Severance

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

(D) Public Nuisances

A violation of any provision of this ordinance, a 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 Wastewater Operations Manager. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Lebanon Code governing such nuisances, including reimbursing the Utility for any costs incurred in removing, abating, or remedying said nuisance.

№§ 55.103 ADMINISTRATIVE APPEALS.

- (A) Any user affected by any decisions, action or determination, including cease and desist orders, made by the Wastewater Operations Manager, interpreting or implementing the provisions of this ordinance, any permit issued herein or any regulation of the Board adopted pursuant hereto, may file with the Board a written request for review and reconsideration within ten days of a decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.
- (B) The appeal shall, if reasonably possible, be heard by the Board within 30 days from the date of filing. The Wastewater Operations Manager's decision, action or determination shall remain in effect during the period of reconsideration, unless the Board otherwise determines on request of the user.

(Prior Code, § 25-84) (Ord. 79-5, passed 3-12-1979)

₽§ 55.104 FALSIFYING OF INFORMATION.

A person shall not knowingly make or submit to the Utility a false statement, representation, record, report, plan or other document required to be filed hereunder or under a duly adopted regulation of the Board, or voluntarily filed, with the intent that the Utility rely thereon, or falsify, tamper with or knowingly render inaccurate any monitoring, testing, measuring or timing devise required or installed under these regulations.

(Prior Code, § 25-85) (Ord. 79-5, passed 3-12-1979)

₿ 55.105 RESERVED FOR FUTURE USE.

The following sections are reserved for future use: 55.105 through 55.199.

CONNECTION TO SYSTEM

₿ 55.200 PRIVIES, SEPTIC TANKS, CESSPOOLS AND THE LIKE GENERALLY PROHIBITED.

Except as otherwise provided by the Board, the City or the State or any of its agencies, a person shall not construct or maintain a privy, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

(Prior Code, § 25-91) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

₿ 55.201 REQUIRED USE OF SEWERS.

The owner of all residential, commercial and industrial or other buildings or property used for human occupancy, employment or recreation situated within the city is hereby required to install suitable toilet facilities therein and to connect the facilities to a public sewer or a private sewer facility. The connection shall be made to a public sewer except where there is no public sewer within 175 feet of the owner's residence or business, as measured from the sewer line and the owner's residence or business. If a connection is made to a private sewage system as permitted herein and a public sewer later comes within this distance, a connection shall be made to the public sewer, and the connection to the private sewage facility shall be abandoned. It shall be a violation of this ordinance not to make the connection required herein within 90 days after written notice to do so has been given to the owner by the Utility. The notice may be given by delivery, or by certified mail to the owner's last known address.

(Prior Code, § 25-92) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

(Prior Code, § 25-93) (Ord. 79-5, passed 3-12-1979)

§ 55.202 CONSTRUCTION OF BUILDING (OR HOUSE) LATERAL SEWERS.

- (A) The size, shape, alignment, materials of construction of a building (or house) lateral sewer and the methods to be used in excavating, placing the pipe, jointing testing and backfilling the trench shall conform to the requirements of the Building and Plumbing Codes, the Lebanon Standards and other applicable rules and regulations of the city.
- (B) Separate sewer requirements

A separate and independent building (or house) lateral sewer shall be provided for every building (or house); except where one building (or house) stands at the rear of another on

an interior lot and no private sewer is available or can be constructed to the rear building (or house) through an adjoining alley, court, yard or driveway. In these cases, the building (or house) lateral sewer from the front building (or house) may be extended to the rear building (or house) and the whole considered as one building (or house) lateral sewer. If the property is divided into separate ownership, the sanitary sewer should be separated. If the line cannot be separated, a written agreement should be attached to both parcels for future reference.

(C) Use of old building (or house) lateral sewer for new building (or house)

Old building (or house) lateral sewers may be used in connection with new buildings (or houses) only when they are determined, upon examination and test by a qualified Inspector, to meet all requirement of this ordinance.

(D) Elevation and location of building (or house) lateral sewer

Whenever reasonably possible, the building (or house) lateral sewer shall be brought to the building (or house) at an elevation below the basement floor. In all buildings (or houses) in which any building (or house) drain is too low to permit gravity flow to the appropriate public sewer, wastewater carried by the building (or house) drain shall be lifted by an appropriate means and discharged to the building (or house) lateral sewer. Lift pump systems should be located outside of the building or house unless authorized in writing by the Wastewater Operations Manager.

(E) Connection of downspouts, drains and the like

No person shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots or other sources of surface run-off or groundwater, to a building (or house) lateral sewer or building (or house) drain which is in turn connected directly or indirectly to the sewerage system.

(F) Inspection; supervision of connection

The applicant for the building (or house) lateral sewer permit shall notify the Board or its designated representative when a building (or house) lateral sewer is ready for inspection and connection to the sewerage system. The connection shall be made under the supervision of the Inspector or his or her representative using materials and techniques conforming to the requirements of the Board.

(Prior Code, § 25-94) (Ord. 79-5, passed 3-12-1979)

₿ 55.203 EXTENSIONS OUTSIDE CITY.

A person shall not directly or indirectly make any connections with or openings into the sewerage system for serving any areas outside the corporate boundaries of the city without first securing a specific resolution of the Board describing the real estate and property to be served and authorizing the connection.

(Prior Code, § 25-95) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

₿ § 55.204 PROHIBITION OF DISCHARGE TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

(Prior Code, § 25-96) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

♀§ 55.205 RIGHT TO PROHIBIT NEW CONNECTIONS.

The Utility shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, CBOD and/or suspended solids loading from the prospective sewer user.

(Prior Code, § 25-97) (Ord. 79-5, passed 3-12-1979)

§ 55.206 RESERVED FOR FUTURE USE.

The following sections are reserved for future use: 55.206 through 55.299.

WASTEWATER ADMISSIBLITY

₿§ 55.300 LIMITATIONS ON POINT OF DISCHARGE.

No person shall discharge any substance directly into a manhole or other opening in the sewerage system other than through the approved building (or house) lateral sewer, except in accordance with the terms of this ordinance or by express permission of the Board.

(Prior Code, § 25-105) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

№§ 55.301 SPECIAL AGREEMENTS.

Nothing in this ordinance shall be construed as preventing any special agreement or arrangement between the Utility and any user or person whereby wastewater of unusual strength or character is accepted into the sewage works and specially treated, and the user is subject to any payments or user charges, as maybe be applicable. However, no discharge which violates categorical pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the Utility, the wastewater may have the potential to cause or result in any of the following circumstances, no special agreement shall be made: pass-through or interference at the POTW; endanger municipal employees or the public; or cause violations of the City's NPDES permits or water quality standards in the receiving waters.

(Prior Code, § 25-106) (Ord. 79-5, passed 3-12-1979)

₿ 55.302 PROHIBITED DISCHARGES.

(A) General Prohibitions.

No user shall introduce or cause to be introduced into the sewage works any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the sewage works.

(B) Specific Prohibitions.

A user of the sewage works, whether or not the user is subject to pretreatment standards or requirements, shall not allow the introduction of the following into the sewage works:

- (1) A pollutant from any source of nondomestic wastewaters that could pass through or cause interference with the operation or performance of the sewage works.
- (2) A pollutant that could create a fire or explosion hazard in the sewage works, including waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods in 40 CFR 261.21.
- (3) A pollutant that could cause corrosive structural damage to the sewage works, including a discharge with pH lower than 6.0 and greater than 9.0, unless the POTW is specifically designed to accommodate such a discharge.
- (4) A solid or viscous pollutant in an amount that could cause obstruction to the flow in a sewer or other interference with the operation of the sewage works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers and the like, either whole or ground by garbage grinders.
- (5) A pollutant, including an oxygen demanding pollutant (such as CBOD) released in a discharge at a rate or pollutant concentration that could cause interference in the POTW.
- (6) Heat in an amount that could:
 - (a) Inhibit biological activity in the POTW and result in interference or damage to the POTW; or
 - (b) Exceed 40 degrees Celsius or 104 degrees Fahrenheit at the POTW unless the approval authority, upon request of the POTW, approves alternate temperature limits.
- (7) Petroleum, oil, non-biodegradable cutting oil, or mineral oil origin in an amount that could cause interference or pass through. These pollutants include, but are not limited to, any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- (8) A pollutant that could result in the formation or presence of toxic gases, vapors, or fumes within the sewage works in a quantity that may cause acute worker health and safety problems.
- (9) A trucked or hauled pollutant, except with the permission of the Utility; and when introduced to the sewage works at a discharge point designated by the Utility.
- (10) 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;
- (11) Wastewater which imparts color which cannot be removed by the treatment process, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

- (12) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable IDEM or Federal regulations and only after written notification of the Wastewater Operations Manager;
- (13) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Wastewater Operations Manager;
- (14) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (15) Medical wastes, except as specifically authorized by the Wastewater Operations Manager in a wastewater discharge permit;
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (17) Detergents, surface-active agents, or other substances which may cause excessive foaming in the sewage works;
- (18) Fats, oils, or greases of animal or vegetable origin in concentrations exceeding those outlined in Section 55.307 of this ordinance;
- (19) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the sewage works, or at any point in the sewage works, of more than 10% or any single reading over 25% of the Lower Explosive Limit.

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 sewage works.

(Prior Code, § 25-107) (Ord. 79-5, passed 3-12-1979)

₿ 55.304 PROHIBITION OF UNPOLLUTED WATERS FOR PURPOSES OF DILUTION OF WASTEWATER.

Unpolluted water, including, but not limited to city water, cooling water, process water or blowdown from cooling towers or evaporative coolers, shall not be discharged through direct or indirect connection to the sewerage system for purposes of diluting wastewater to reduce sewer rates or charges of the user. Limitations on the amount of unpolluted water that is discharged shall be part of the wastewater discharge approval process.

(Prior Code, § 25-108) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999.

₿ 55.305 PROHIBITION OF RADIOACTIVE WASTES.

No person shall discharge or cause to be discharged any radioactive waste into the sewerage system.

(Prior Code, § 25-109) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999.

₿ 55.306 LIMITATIONS ON USE OF GARBAGE GRINDERS.

Only properly shredded garbage may be discharged into the sewerage system.

(Prior Code, § 25-110) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999.

₿ \$55.307 LIMITATIONS ON WASTEWATER STRENGTH.

(A) Compatible pollutant levels.

The Utility shall have the right to impose a surcharge for waste discharged into the sewerage system whose strength or character is such that the introduction of the waste into the sewage works may cause additional costs to the system. A user discharging compatible pollutants (as defined in 55.001) above the following levels, shall be subject to surcharges as described in Section 55.508:

Parameter	Discharge Levels
CBOD ₅	210 mg/L
TSS	240mg/L
FOG	100 mg/L
TKN	40 mg/l
Phosphorus	l mg/L

(B) Specific pollutant limitations

No person shall discharge wastewater containing more than:

Pollutant	Local Limit (mg/L)	
Arsenic	0.16	
Cadmium	0.09	
Chromium, Total	2.7	
Copper	0.20	
Cyanide, Total	0.19	
Lead	0.54	
Mercury	0.0003	
Nickel	1.1	
Phenols, Total	1.0	
Selenium	0.24	
Silver	0.66	
Zinc	2.4	

(C) Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and American Waterworks Association and the Water Pollution Control Federation and as set forth in 40 C.F.R. part 136. Waste constituents and characteristics shall be measured by Standard Methods unless a mutually agreed upon acceptable alternative method is adopted, or by other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods. The above limits apply at the point where the wastewater is discharged to the sewage works. All concentrations for metallic substances are for "total" metal unless indicated otherwise.

- (D) The Utility reserves the right to monitor or have a user monitor for pollutants not identified in this section to assess surcharges and compliance with this ordinance. The Wastewater Operations Manager will determine the type of analysis to be conducted based on the type and strength of pollutants discharged by a user to the sewage works. A COD limit will be established on a case-by-case basis and will be assessed at CBOD surcharge fees as described in Section 55.508.
- (E) The Utility reserves the right to impose mass limits, in addition to, concentration limits on users.
- (F) The Utility reserves the right to establish special agreements with users that do not follow the wastewater strength limitations described in this section nor follows the surcharge amounts described in Section 55.508. Special agreements may be established under Section 55.301.

(Prior Code, § 25-111) (Ord. 79-5, passed 3-12-1979; Ord. 85-9, passed 8-12-1985; Ord. 95-8, passed 5-22-1995) Penalty, see § 55.999

§ 55.308 RIGHT TO REVISION.

The Utility reserves the right to establish more stringent standards or requirements on discharges to the sewage works.

₿ 55.309 GREASE, OIL AND SAND INTERCEPTORS.

These interceptors shall be provided at (a) all restaurants, and at (b) all industrial or commercial enterprises when, in the opinion of the Utility, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the Utility and shall be readily and easily accessible for cleaning and inspection.

(Prior Code, § 25-112) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

§ 55.310 HAULED WASTEWATER

- (A) Septic tank waste may be introduced into the sewage works only at locations designated by the Wastewater Operations Manager, and at such times that are established by the Wastewater Operations Manager. Such waste shall not violate this ordinance or any other requirements established by the Utility. The Wastewater Operations Manager may require septic tank waste haulers to obtain wastewater discharge permits.
- (B) The Wastewater Operations Manager may require generators or haulers of trucked or hauled pollutants to obtain wastewater discharge permits. The Wastewater Operations Manager also may prohibit the disposal of trucked or hauled pollutants. The discharge of trucked or hauled pollutants is subject to all other requirements of this ordinance.
- (C) No generator or hauler shall discharge any trucked or hauled pollutants to the sewage works, unless prior written permission is provided by the Utility. The hauler must possess written approval or a permit from the Utility; pay applicable permit fees; maintain valid vehicle licenses; and only discharge to the sewage works at a point designated by the Wastewater Operations Manager. The Wastewater Operations Manager may require the generator or hauler to provide a waste analysis of any load prior to discharge.

- (D) In the event the Utility allows trucked or hauled pollutants to be discharged to the sewage works, the Wastewater Operations Manager shall:
 - (a) Obtain and retain, for a minimum of 48 hours, samples that are representative of the hauled or trucked pollutants;
 - (b) Analyze the samples obtained if the permittee believes or has reason to believe that the hauled or trucked pollutants may be causing and /or contributing to pass-through and or interference; and
 - (c) Maintain records for each discharge of trucked or hauled pollutants into the sewage works in accordance with the City's NPDES permit.

₿ 55.311 RESERVED FOR FUTURE USE.

The following sections are reserved for future use: 55.311 through 55.399.

PRETREATMENT OF WASTEWATER

₿ 55.400 APPLICABLE USERS

These requirements are intended to protect the sewage works from discharges, not necessarily only those from manufacturing industries, which may adversely affect plant operations or permit compliance. The user classes subject to this section include:

- (A) An industrial user subject to Pretreatment Standards and issued a permit by the State;
- (B) A user meeting the definition of a SIU in accordance with Section 55.001, unless specifically exempted by the Utility; or
- (C) Any user deemed by the Utility that may have an adverse impact on the sewage works.

₿ 55.401 GENERAL REQUIREMENTS.

- (A) Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sections 55.300 through 55.399 of this ordinance within the time limitations specified by EPA, the State, or the Wastewater Operations Manager, whichever is more stringent.
- (B) Any equipment 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 Wastewater Operations Manager for review, and shall be acceptable to the Wastewater Operations Manager 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 utility under the provisions of this ordinance.
- (C) Whenever deemed necessary, the Wastewater Operations Manager 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the sewage works and determine the user's compliance with the requirements of this ordinance.

- (D) When requested by the Wastewater Operations Manager, a user must submit information on the nature and characteristics of its wastewater within 30 days of the request. The Wastewater Operations Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (E) The Wastewater Operations Manager may require any person discharging into the sewage works to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (F) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Wastewater Operations Manager, 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 type and capacity approved by the Wastewater Operations Manager and shall be so located to be easily accessible for cleaning and inspection. Shop drawings for all interceptors shall be submitted to the utility for approval prior to being put in service. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Maintenance and hauling operations should be documented and records made available at the request of the Wastewater Operations Manager.
- (G) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (H) If the Wastewater Operations Manager allows the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Wastewater Operations Manager and subject to the requirements of all applicable codes, ordinances and laws. Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the town and no construction of those facilities shall be commenced until approval in writing is granted.

№§ 55.402 NOTIFICATIONS TO UTILITY.

- (A) Changes in Facility Conditions or Discharge
 - (1) Significant industrial users with a permit issued by the State will follow the permit provisions described in their permit and submit copies to the Wastewater Operations Manager.
 - (2) Users must notify the Wastewater Operations Manager of any planned changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.
 - (3) The Wastewater Operations Manager may require the SIU to submit any information as may be deemed necessary to evaluate the changed condition. Planned significant changes include, but are not limited to:
 - (a) Expansion or addition of wastewater generating production lines or processes;

- (b) Projected increases of 20% or greater in monthly flow over the previous year's highest monthly flow, or annual average flow over the previous year's annual average flow; and/or
- (c) The discharge of any previously unreported pollutants.
- (4) The Wastewater Operations Manager shall review any proposed new or increased discharge to ensure it is admissible under Sections 55.300 through 55.399 of this ordinance.
- (5) The City retain the right to deny any new or increased discharge to ensure compliance with this ordinance, state and federal pretreatment standards and requirements.
- (B) Change in Ownership or Business
 - (1) Significant industrial users with a permit issued by the State will follow the permit provisions described in their permit and submit copies to the Wastewater Operations Manager.
 - (2) Users with a change in ownership will be recognized as a new industrial facility and shall comply with the Utility's discharge limits in accordance with this Ordinance.
 - (3) Discharge approval for an SIU shall not be reassigned or transferred or sold to a new owner, new User, different premises or a new or changed operation without prior notification to and approved by the Wastewater Operations Manager.
 - (4) If a change in a business occurs, the property owner and/or User shall inform the Wastewater Operations Manager of the change within 30 days, and inform the Wastewater Operations Manager of the new type of business that is currently operating at said location.
- (C) Potential Problems
 - (1) Significant industrial users with a permit issued by the State will follow the permit provisions described in their permit and submit copies to the Wastewater Operations Manager.
 - (2) Users shall notify the Wastewater Operations Manager immediately of all discharges that could cause problems or harm to the sewage works. This would include any of the following: bypass of pretreatment facilities or equipment; accidental discharges; slug load or slug discharge; batch or other non-customary discharges that could cause pass through or cause interference at the POTW; and/or upsets.
 - (3) The user shall verbally notify the Wastewater Operations Manager of any unanticipated flow that exceeds prohibited discharges as described in Sections 55.300 through 55.399 or other requirements as soon as the User becomes aware of the bypass that is in violation.
- (D) Notification to the Utility

- (1) Significant industrial users with a permit issued by the State will follow the notification provisions described in their permit and submit copies to the Wastewater Operations Manager.
- (2) If a user knows in advance of a potential problem, it shall notify the Wastewater Operations Manager, if possible, at least 10 days before the date of the event.
 - (a) A user shall verbally notify the Wastewater Operations Manager of any unanticipated flow that exceeds prohibited discharges as described in Sections 55.300 through 55.399 or other requirements as soon as the User becomes aware of the Bypass that is in violation.
 - (b) Verbal notifications shall include: the date, time, location and duration of the discharge; the type of waste including concentration and volume; any corrective actions taken by the User.
 - (c) If requested by the Wastewater Operations Manager, the SIU shall also provide a written notification within five days of the event. The written submission shall contain: a description of the bypass and its cause; the volume and duration of the bypass, including exact times and dates, 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 recurrence of the event.

§ 55.403 WATEWATER DISCHARGE APPROVAL.

- (A) Approval process.
 - (1) A SIU holding a permit from the State of Indiana is prima facie and subject to this section. The holder of a permit from the State shall file with the Wastewater Operations Manager a copy of each report or application submitted to the State on the same day as it is filed with the State. Each User who applies to the State for a permit shall similarly file a copy of such application and all supporting documents with the Wastewater Operations Manager on the same day as the State.
 - (2) All users must notify the Utility before discharging to the sewage works. Information to be provided to the Utility includes the minimum: construction plans including all sewage works connections, description of activities at the facility, an accidental discharge or slug plan as described in Section 55.407, a narrative description of any pretreatment of wastewaters, and detailed plans of any pretreatment system. The Utility may require additional information or equipment as described in Section 55.401.
 - (3) The user is to follow all sections of this ordinance. The Wastewater Operations Manager will issue a letter to the user stating discharge is approved within 30 days of receiving the submittal.
 - (4) Discharge approval will be for a period of five years. Users are required to submit information at least 60 days prior to permit expiration.
 - (5) Any violation of the terms and conditions of a State permit or this ordinance shall be deemed a violation and subjects the wastewater discharge permittee to the sanctions set out in Sections 55.100 to 55.199 of this ordinance. Obtaining a

wastewater discharge approval 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, and local law.

- (6) Existing Connections. Any user required to obtain wastewater discharge approval who was discharging wastewater into the sewage works prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within 60 days after said date, apply to the Wastewater Operations Manager for wastewater discharge approval in accordance with Section 55.403 of this ordinance, and shall not cause or allow discharges to the sewage works to continue after 180 days of the effective date of this ordinance except in accordance with wastewater discharge approval issued by the Wastewater Operations Manager.
- (7) New Connections. Any user required to obtain wastewater discharge approval from the Utility who proposes to begin or recommence discharging into the sewage works must obtain such approval prior to the beginning or recommencing of such discharge. The wastewater discharge approval process must be completed at least 30 days prior to the date upon which any discharge will begin or recommence.
- (B) Discharge Approval Fees
 - (1) Discharge approval fees for users will be \$100.
 - (2) As necessary, the Utility may engage outside consultation to review submittals and plans. The user shall agree to pay the Utility for the actual costs incurred by the Utility with respect to the review of the all submittals, plans, and accompanying information.

(Prior Code, § 25-102) (Ord. 79-5, passed 3-12-1979)

₿ 55.404 MONITORING PROGRAM.

- (A) The Wastewater Operations Manager will conduct monitoring on all SIUs, no less than twice per calendar year.
- (B) Monitoring of SIUs can be either scheduled or unscheduled.
- (C) The charge to the SIU for each monitoring period shall be \$250 per day, plus all analytical costs.
- (D) Significant industrial users with batch discharges shall notify the Wastewater Operations Manager at least 24 hours prior to discharge upon request of the Wastewater Operations Manager.
- (E) In addition to the monitoring fee, each SIU with a State issued permit shall install at its own expense a suitable control manhole or other access means, together with such necessary appurtenances in or on each building lateral sewer to facilitate observations, sampling and measurement of the wastewater. Such manholes or other access means and sampling and testing devices shall be constructed and maintained in a safe and proper condition to the Wastewater Operations Manager's satisfaction, as detailed in building and plumbing codes and other applicable rules and regulations of the City. Although this

access point shall be constructed at the expense of the User, it shall be under the control of the Utility. If locating such facilities on the SIU's property would be impractical, the SIU may apply to the Utility for a right-of-way or for permission to construct on public property.

- (F) The Utility shall provide necessary sampling equipment during a monitoring period for control manholes or other access means. Sampling equipment shall, unless otherwise specified by the Wastewater Operations Manager, include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a 24 hour period. There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.
- (G) The Utility shall implement the applicable monitoring requirements:
 - (1) During each monitoring period, measure the volume of flow and sample and analyze the discharge from each SIU for all parameters contained in the State issued permit, except for Total Toxic Organics (TTOs), which shall be sampled and analyzed no less than once per calendar year, if required per the SIU's permit.
 - (2) The Utility will follow the sample types and analytical methods described in SIU's State issued permit.
 - (3) The Utility shall collect samples at the sample located specified in the State issued permit.
 - (4) The Utility shall sample and analyze the discharge from any industrial user, including SIUs with State issued permit, for any parameter as necessary to achieve and/or maintain compliance with the requirements of the City's NPDES Permit and/or this ordinance.
 - (5) The Utility shall record and maintain all sampling and analytical data for the permitted facilities in accordance with the City's NPDES Permit.
- (H) All wastewater samples must be representative of the user's discharge. If onsite treatment operations are utilized, the Wastewater Operations Manager reserves the right to require sampling of process wastewater prior to pre-treatment and before discharge to the public collection system. Wastewater monitoring and flow measurement equipment 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.

₿ 55.405 INSPECTION PROGRAM.

- (A) The Wastewater Operations Manager shall implement a program of inspecting all SIU s in accordance with the following minimum requirements:
 - (1) Conduct inspections for each SIU, no less than once annually,
 - (2) During each inspection conducted, the Utility will evaluate areas including, but not limited to, the following:
 - (a) pretreatment system(s);
 - (b) spill reporting and response procedures;
 - (c) sampling location; and

- (d) disposal of sludge and other waste streams not regulated by the State issued permit,
- (3) The Wastewater Operations Manager shall inspect any industry, including a SIU with a State issued permit, as necessary to:
 - (a) achieve and/or maintain compliance with the requirements of the City's NPDES permit; and/or
 - (b) determine compliance with the requirements of this ordinance.
- (B) The Wastewater Operations Manager shall, for each inspection conducted, complete a report, utilizing an inspection report form that is at least equivalent to the form that is available from IDEM.
- (C) The Wastewater Operations Manager shall maintain all copies of inspection reports in accordance with the City's NPDES Permit.
- (D) Industrial User inspections can be either scheduled or unscheduled.

§ 55.406 REPORTING REQUIREMENTS

- (A) SIUs with a State issued permit will follow the reporting provisions described in their permit and submit copies to the Wastewater Operations Manager. The Wastewater Operations Manager may require a SIU to provide other reports to the Utility.
- (B) Users shall follow the notification requirements described in Section 55.402. The Wastewater Operations Manager may require a user to provide a monthly report to the Utility.
- (C) If a user samples their discharge and analyzes it for parameters described in Section 55.307, the user will submit the analytical report to the Wastewater Operation Manager.

♀ 55.407 ACCIDENTAL DISCHARGE/SLUG CONTROL/SOLVENT MANAGEMENT PLANS

- (A) All SIUs with a State issued permit required to complete and submit a plan shall submit a copy of the plan(s) to the Wastewater Operations Manager for review.
- (B) The Wastewater Operations Manager shall evaluate whether users need a plan or other action to control slug discharges. The Wastewater Operations Manager may require any user to develop, submit for approval, and implement such a plan or take other action that may be necessary to control slug discharges. An accidental discharge/slug control/solvent management plan shall address, at a minimum, the following:
 - (1) Description of discharge practices, including non-routine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Wastewater Operations Manager of any accidental or slug discharge that would violate a prohibition under 327 IAC 5-18 or Sections 55.300 through 55.399 and procedures for follow-up written notification within five days;
 - (4) Procedures to prevent adverse impact from any accidental or slug discharge including, but are not limited to, the following:

- (a) inspection and maintenance of storage areas,
- (b) handling and transfer of materials,
- (c) loading and unloading operations,
- (d) control of plant site run-off,
- (e) worker training,
- (f) building of containment structures or equipment,
- (g) measures for containing toxic organic pollutants (including solvents), and
- (h) measures and equipment for emergency response.

∅§ 55.408 LIABILITY FOR MAINTENANCE OF PRETREATMENT AND OTHER EQUIPMENT.

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his or her expense, and shall at all reasonable times be open to inspection and testing by the Utility.

(Prior Code, § 25-113) (Ord. 79-5, passed 3-12-1979) Penalty, see § 55.999

§ 55.409 RIGHT TO REJECT WASTE OR REQUIRE PRETREATMENT.

The Utility is hereby authorized to prohibit dumping of wastes into the Utility's sewage works which, in its discretion, are deemed harmful to the operation of sewage works of the Utility, or to require methods affecting pretreatment of the wastes to comply with the pretreatment standards included in the NPDES permit issued to the sewage works.

(Prior Code, § 25-114) (Ord. 1991-SEW-5, passed 5-13-1991)

§ 55.410 RESERVED FOR FUTURE USE.

The following sections are reserved for future use: 55.410 through 55.499.

CHARGES AND SURCHARGES

№§ 55.500 UTILITY SERVICE BOARD AUTHORIZED TO MAKE RULES TO ENFORCE ORDINANCE.

The Board of the City shall, in accordance with the statutes of the state, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the Utility's sewage works, for the regulation, collection and refunding of the user charges for sewerage service and, in general, for the implementation of the provisions of this ordinance.

(Prior Code, § 25-122) (Ord. 79-4, passed 3-12-1979)

₽§ 55.501 TAP FEE CHARGE.

- (A) No connection to the Utility's sewage works system shall be allowed until a permit is obtained and payment of availability fees and connection/inspection fees have been made to the Utility, or if applicable, payments have been arranged in accordance with this ordinance and the General Terms and Conditions – Ordinance 2015-09, or as may be recodified or amended.
 - (1) *Availability Fee* is the charge to a user for a new connection to or additional wastewater discharge from an existing connection to the Utility's sewage works

system and is charged as a pro rata cost of construction of all interceptor sewer lines and appurtenances to serve the property of the connecting user and is charged in return for the Utility making available to the user the Utility's sewage treatment system consisting of all facilities and operations necessary to treat sewage of the user.

(a) The amount of the availability fee shall be as follows:

L	Residential User	All Other Users	
	\$1,700 per EDU	\$1,700 per EDU	

- (b) Where a project charge or recoupment agreement charge has been established prior to the date of this section, the project charge or recoupment agreement charge shall apply. The cost of conveyance systems constructed after the date of this section by someone other than the Utility under a written agreement with the Utility may be credited against the availability fee. The decision to allow the credit and the amount of the credit shall be made solely at the discretion of the Utility.
- (2) Connection /Inspection Fee is the charge to a user for a new or additional connection to the Utility's sewage works system and is charged as a part of the pro rata cost of construction of all local and/or lateral sewer lines adequate to serve the property of the connecting user and for the cost of inspecting the connection to the sewage works. The connection/inspection fee shall be as follows:

Residential User	All Other Users	
\$50	\$100	

(3) *Repair Inspection Fee* is the charge to a user for inspecting a needed repair or replacement of an existing lateral sewer line. The repair inspection fee shall be as follows:

Residential User	All Other Users	
\$50	\$100	

- (B) Payment of the availability fee and the connection/inspection fee shall be made at the following times:
 - (1) For new construction connections or additional wastewater discharge from existing sewage connections requiring plat or plan approval, the availability fee shall be paid in full at the time of signing the record plat or detail plan approval, or conditional use approval. The entire connection/inspection fee shall be paid before the issuance of a building permit;
 - (2) For all existing sewage connections with additional wastewater usage not requiring plat or plan approval, the availability fee and the connection/inspection fee shall be paid in full before the additional discharge is made to the Utility's sewage system;

- (3) For new industrial user connections or additional wastewater discharge from existing industrial sewage connections requiring plat or plan approval, the availability fee and the connection/inspection fee may be paid through a payment plan approved by the Board; and
- (4) For all users repairing or replacing a lateral sewer line or existing water connections with no additional wastewater discharge, the repair inspection fee shall be paid in full before issuance of a repair permit.

(Prior Code, § 25-123) (Ord. 1991-SEW-5, passed 5-13-1991; Ord. 03-11, passed - -; Ord. 04-10, passed 10-25-2004; Ord. 05-09, passed 7-25-2005)

₿ 55.502 SEWER RATES AND CHARGES.

- (A) For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owners of each lot, parcel of real estate or building that relates to the city's sanitary sewer system or otherwise discharged as sewage, industrial waste, water or other liquids, either directly or indirectly, into the sanitary sewer system of the city. These rates and charges include operations and maintenance, user charges, debt service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows.
- (B) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. The water meters shall be read monthly and the users shall be billed monthly. The water usage schedule on which the amount of the rates and charges shall be determined by the addition of the base charge for the month and the treatment flow rate per month as follows:

Monthly Base Charge	Rate Per Month	
5/8 to 3/4 inch meter	\$16.65	
1-inch meter	\$29.11	
1-1/4-inch meter	\$41.55	
1-1/2-inch meter	\$55.41	
2-inch meter	\$91.44	
3-inch meter	\$193.93	
4-inch meter	\$332.46	
6-inch meter	\$748.02	
8-inch meter	\$1,357.42	

(1) Sewer base charges.

(2) Sewer usage rates.

Treatment Flow Rate	(In addition to the base charge)
All customers	\$5.64 Per 100 Cu. Ft./Month

- (3) The user charges, fees and debt service charges set forth in the rate structure hereinbefore set forth shall be changed, as necessary, by the Common Council.
- (C) The rates, charges and fees set forth in this section shall be reviewed every calendar year for continued applicability and financial necessity.

₿ 55.503 METERED WATER SUPPLY.

- (A) User charges and fees shall be based upon the total amount of water used from all sources unless, in the opinion of the Wastewater Operations Manager, significant portions of water received are not discharged to a sanitary sewer.
- (B) The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Wastewater Operations Manager.
- (C) Where a metered water supply is used for fire protection, as well as for other uses, the Utility may, in its discretion, adjust the minimum charge and in the use charge as may be equitable.
- (D) For the service rendered to the City, the city shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.
- (E) In the event two or more residential lots, parcels of real estate, or building discharging sanitary sewage, water or other liquids into the city's sewage system either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in the case for billing purposes, the base charge per month of the sewage rates and charges shall be multiplied by the number of residential lots, parcels of real estate, or buildings served through the single water meter and added to treatment flow charge determined by the treatment flow rate as applied to the monthly metered flow

§ 55.504 METERED WASTEWATER VOLUME AND METERED DIVERSIONS.

- (A) For users where, in the opinion of the Wastewater Operations Manager, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into the community sewer.
- (B) Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources.
- (C) The user may install a meter of a type and at a location approved by the Wastewater Operations Manager and at the user's expense. Such meters may measure either the amount of sewage discharge or the amount of water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Wastewater Operations Manager.

₿ \$55.505 ESTIMATED WASTEWATER VOLUME.

(A) Users without source meters.

For users where, in the opinion of the Wastewater Operations Manager, if it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Wastewater Operations Manager. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services or such other determinants of water use necessary to estimate the wastewater volume discharged.

(B) Users with source meters.

For users who, in the opinion of the Wastewater Operations Manager, divert a significant portion of their flow from a sanitary sewer, the user charges may be based upon an estimate of the volume prepared by the user, provided the user obtains wastewater discharge authorization and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

(Prior Code, § 25-124) (Ord. 1991-SEW-5, passed 5-13-1991; Ord. 03-11, passed - -; Ord. 04-10, passed 10-25-2004; Ord. 05-09, passed 7-25-2005; Ord. 06-10, passed 5-8-2006)

₿ 55.506 UNMETERED WATER USERS.

For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be estimated and determined by means and methods satisfactory to the City. Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the city on an individual basis by applying the above metered rates to the estimated usage and meter size.

№§ 55.507 DISCHARGE OF WATER FROM NONCITY SOURCES INTO SANITARY SEWAGE SYSTEM.

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the Utility that serves the City shall be determined by the City in a manner as the City shall reasonably elect and its sewage service shall be billed at the above appropriate rates; except, as is hereinafter provided in this section, the City may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed and which are also shown to the satisfaction of the city that the quantities do not enter the sanitary sewer system.

(A) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the City and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the City, then the amount of water used shall be otherwise measured or determined by the city. To ascertain the rate or charge provided in this ordinance, the owner or other interested party shall, at his or her expense, install and maintain meters, weirs or volumetric measuring acceptable to the city for the determining of sewage discharge.

- (B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewage works, either directly or indirectly, is a user of water supplied by the water utility serving the city and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the city, then the amount of water used shall be otherwise measured or determined by the city. To ascertain the rates or charges, the owner or other interested party shall, at his or her expense, install and maintain meters, weirs or volumetric measuring acceptable to the city for the determination of sewage discharge.
- (C) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial wastes, water or other liquids into the city's sanitary sewage works, either directly or indirectly and uses water in excess of 2,500 cubic feet per month and it can be shown to the satisfaction of the city that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the city for the determination of sewage discharge.

(Prior Code, § 25-125) (Ord. 1991-SEW-5, passed 5-13-1991)

₿ 55.508 SURCHARGE COSTS.

- (A) Each person discharging wastewater into the sanitary sewers shall be subject to a surcharge in addition to the regular sewage service charge based on the content of the wastes. Surcharges will be assessed for the compatible pollutants identified in Section 55.307 (A) if the wastes exceed the established concentrations.
- (B) Sampling and testing for surcharges or use charges
 - (1) The discharged wastewater will be sampled by the Utility during each sewage billing period for minimum of a one-day period (24 continuous hours) by means of a composite sample. An extended sampling period of up to one week (7 continuous days) or reduction may be requested to enable the gathering of a sample representative of a company's wastewater. The extension or reduction of the sampling period beyond the initial one-day sampling period maybe requested by either the sewer user involved or the Utility. If an extended sampling period is requested, the parameter values used to calculate the surcharge will be the arithmetical average of the individual values. In the event a company or industry has multiple discharges of wastewater; each discharge shall be sampled according to quality. The volume of each discharge shall be determined by actual measurement or by means of process usage. If significant process changes are made to affect quality of any discharge, resampling may be requested by either the sewer user involved or Lebanon Utilities.
 - (2) The Utility may accept analytical results from the user to assess for surcharges.
- (C) The wastewater sample shall be measured for the parameters identified in Section 55.307
 (A). These tests shall be made in accordance with the latest editions of *Standard Methods for the Examination of Water* or by an approved EPA method.

Parameter	Current Surcharge Fee	Surcharge Effective July 1, 2017	Surcharge Effective January 1, 2018
CBOD ₅	\$0.17 / lb	\$0.30 / lb	\$0.43 / lb
TSS	\$0.17 / lb	\$0.17 / lb	\$0.17 / lb
FOG	-	\$0.37 / lb	\$0.74 / lb
TKN	\$0.17 / lb	\$0.46 / lb	\$0.74 / lb
Phosphorus	_	\$0.50 / lb	\$1.00 / lb

(D) Surcharge Fees shall be made on the following basis.

(E) The Utility reserves the right to monitor or have a user monitor for pollutants not identified in this section to assess surcharges and compliance with this ordinance. The Wastewater Operations Manager will determine the type of analysis to be conducted based on the type and strength of pollutants discharged by a user to the sewage works. A COD limit will be established on a case-by-case basis and will be assessed at CBOD surcharge fees as described in Section 55.508.

(F) *Revision of rates of surcharge*. Prior to May 1 of each year, the Board shall have prepared a comparison of the calculated unit costs for removing each of the surcharge parameters from the POTW influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed by the Common Council.

(Prior Code, § 25-126) (Ord. 1991-SEW-5, passed 5-13-1991)

₿ \$55.509 ADDITIONAL PRETREATMNET PROGRAM FEES.

The Utility may adopt reasonable fees for reimbursement of costs of setting up and operating the Utility's Pretreatment Program which may include:

- (A) Fees for wastewater discharge approvals including the cost of review of such approvals;
- (B) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (C) Fees for reviewing and responding to accidental discharge procedures and construction;
- (D) Fees for filing appeals; and
- (E) Other fees as the Utility may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Utility.

₿§ 55.510 BILLING FOR SEWERAGE SERVICE.

Refer to the Lebanon Utilities General Terms and Conditions for Wastewater Service for sewerage service billing requirements.

§ 55.511 STUDY OF RATES AND CHARGES.

(A) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various uses of user classes, the Utility shall periodically cause a study to be made. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users and user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems.

(B) The studies shall be conducted by officers or employees of the Utility, by a firm of certified public accountants and/or a firm of consulting engineers which firms shall have experience in these studies, or by a combination of officers, employees, certified public accountants and/or engineers as the Utility shall determine to be best under the circumstances.

(Prior Code, § 25-130) (Ord. 1991-SEW-5, passed 5-13-1991)

§ 55.512 BYLAWS AND REGULATIONS AUTHORIZED.

The Utility shall make and enforce bylaws and regulations as may be deemed necessary for the safe, economical and efficient management of the Utility's sewage works, pumping stations and sewage treatment works, for the construction and use of house sewers and connections to the sewerage treatment works, for the construction and use of house sewers and connection to the sewage system, and for the regulation, collection, rebating and refunding of the charges and rate. No free service shall be provided to any user of the wastewater treatment facility.

(Prior Code, § 25-131) (Ord. 1991-SEW-5, passed 5-13-1991)

₿ \$55.513 AUTHORITY FOR SPECIAL RATE CONTRACTS.

The Council is hereby further authorized to enter into special rate contracts with customers of the sewage works where clearly definable cost to the sewage works can be determined, and those special rates shall be based on these costs.

(Prior Code, § 25-132) (Ord. 1991-SEW-5, passed 5-13-1991)

₿§ 55.514 RESERVED FOR FUTURE USE.

The following sections are reserved for future use: 55.514 through 55.998.

№§ 55.999 PENALTY.

The commission of any act prohibited by this ordinance or by lawful order of the Wastewater Operations Manager, Utility General Manager or lawful order or regulation of the Board, or the failure to perform without lawful order of the Wastewater Operations Manager or lawful order or regulation of the Board, shall be a punishable violation each day of violation constitutes a separate offense.

(Prior Code, § 25-81) (Ord. 79-5, passed 3-12-1979)

ALL OF WHICH IS ADOPTED this <u>12-th</u> day of Common Council of the City of Lebanon, Indiana. 2017 by the Lebanon **Voting For Voting Against** <u>Abstain</u> fith Compbell Keith Campbell Keith Campbell Keith Campbell John Copeland John Copeland John Copeland Dan Fleming Dan Fleming Dan Fleming Mike Kincaid Mike Kincaid Mike Kincaid Corey Kutz Corey Kutz Jeremy Lamar Jeremy Lamar Jeremy Lamar **Dick Robertson** Dick Robertson Dick Robertson ATTEST.

Tonya Thayer, Clerk-Treasurer

I hereby certify that Ordinance 2017- 06 was delivered to the Mayor of Lebanon on the 12^{+h} day of <u>June</u>, 2017, at <u>8</u>: <u>-54 pm</u>

C.T.

Tonya Thayer, Clerk-Treasurer

I hereby APPROVE ORDINANCE 2017-06 this 12 day of _____, 2017 Matthew T. Gentry, Mayor ATTEST: ر آن ک OWA Tonya Thayer, Clerk-Treasurer

I hereby VETO ORDINANCE 2017-_____ this ____day of ______, 2017

Matthew T. Gentry, Mayor

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in the document, unless required by law: Robert S. Schein

Robert S. Schein, Esq KREIG DEVAULT, LLP 317-238-6276