

AN ORDINANCE
GOVERNING SEWER USE
FOR THE TWIN LAKES REGIONAL SEWER DISTRICT,
WHITE COUNTY, INDIANA

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TWIN LAKES REGIONAL SEWER DISTRICT
ORDINANCE NO. 99-01
SEWER USE ORDINANCE

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewers of The Twin Lakes Regional Sewer District, White County, Indiana, and providing penalties for violations thereof.

THE TWIN LAKES REGIONAL SEWER DISTRICT, COUNTY OF
WHITE, STATE OF INDIANA, ORDAINS:

Sec. 1.0 *Title*

This Ordinance shall be known and cited as "the Twin Lakes Regional Sewer District Sewer Use Ordinance," and it shall be sufficient in any action for enforcement of the provisions hereof to define the same by such title and reference to the number hereof.

Sec. 2.0 *Purpose*

The objectives of this Ordinance are:

- a) To require hook-up to Public Sewers of the District where Public Sewers are available within 300 feet of the property line of properties located within the District;
- b) To prevent the introduction of pollutants into the wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- c) To prevent the introduction of pollutants into the wastewater system which do not receive adequate treatment in the publicly owned treatment works (POTW), and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
- d) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
- e) To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment;
- f) To provide for the investigation of instances of pass-through or interference, the notification of the responsible User, and for appropriate enforcement actions.

Sec. 3.0 *Definitions*

Unless the context specifically indicates otherwise, the following abbreviations, terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

3.1 *Act or "the Act"*

The Federal Water Pollution Control act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.

3.2 *Administrator/Superintendent*

The Administrator of the Sewage Works of the Twin Lakes Regional Sewer District, or his authorized deputy, agent or representative. See, Section 3:99.

3.3 *Ammonia or (NH₃-N)*

The same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in Section 3.95 of this ordinance.

3.4 *Applicable County Health Department*

The White County Health Department.

3.5 *Authority*

The Twin Lakes Regional Sewer District.

3.6 *Authorized Representative of Industrial User*

An authorized representative of an Industrial User may be: (a) a principal executive officer of at least the level of Vice-President, if the Industrial User is a corporation; (b) a general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (c) a manager if the Industrial User is a limited liability company; or (d) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates or for environmental matters of the company. Authorization for this representative must be submitted in writing to the District by the individual designated in (a), (b) and (c) hereof. (e) If the user is a federal, state, or local government facility, then a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee shall be the authorized representative.

3.7 *Biochemical Oxygen Demand*

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degree centigrade expressed in terms of weight and concentration (milligrams per liter).

3.8 *Board*

The Board of Trustees of the District.

3.9 *BOD*

Biochemical Oxygen Demand.

3.10 *Building Drain*

That part of the lowest horizontal piping of a drainage system which receives discharge from drainage pipes inside the walls of the building and conveys it to the Building Sewer, beginning five (5) feet outside the inner face of the building wall.

3.11 *Building Drain - Sanitary*

A building drain which conveys sanitary or industrial sewage only.

3.12 *Building Drain - Storm*

~~A building drain which conveys storm water or other clean water, but no wastewater.~~

3.13 *Building Sewer*

The extension from the Building Drain to the Service Connection.

3.14 *Bypass*

The diversion of wastestreams from any portion of a User's pretreatment facility.

3.15 *CFR*

Code of Federal Regulations.

3.16 *Categorical Standards*

National Categorical Pretreatment Standards or Pretreatment Standard.

3.17 *Chemical Oxygen Demand*

A measure of oxygen consuming capacity of inorganic and organic matter present in water or wastewater. It is expressed as the amount of oxygen consumed from a chemical oxidant in a specified test. It does not differentiate between stable and unstable organic matter and thus does not necessarily correlate with biochemical oxygen demand. Also known as OC and DOC, oxygen consumed and dichromate oxygen consumed, respectively.

3.18 *Combined Sewer*

A sewer receiving surface runoff, infiltration, and sewage.

3.19 *Commercial User*

An establishment listed in the Office of the Management and Budget's "Standard Industrial Classification Manual" (SICM), involved in a commercial enterprise, business or service which, based on a determination by the District, discharges primarily segregated domestic wastes or wastes from sanitary conveniences and which is not a residential user or an industrial user.

3.20 *Commercial Waste*

A liquid or water-carried waste material from a commercial business engaged in buying, selling, exchanging goods or engaging in said goods or services.

3.21 *Compatible Pollutant*

A substance amenable to treatment in the wastewater treatment plant such as biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the Discharge Permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutant to a substantial degree. Examples of such additional pollutants may include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, nitrogen compounds, fats, oils and greases of animal or vegetable origin.

3.22 *Composite Sample*

A series of samples taken over a specific time period whose volume is proportional to the flow in the waste stream, which are combined into one sample.

3.23 *Cooling Water*

The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

3.24 *Dilution*

Any thinning or weakening of a wastewater discharge by mixing it with water or other liquid, including any process of mixing or diluting as a partial or complete substitute for adequate treatment necessary to achieve compliance with applicable standards and limitations.

3.25 *Direct Discharge*

The discharge of treated or untreated wastewater directly to the waters of the state.

3.26 *District*

The Twin Lakes Regional Sewer District of White County, Indiana.

3.27 *Easement*

A right or interest in land given to do or perform an act or activity on the land of another.

3.28 *Environmental Protection Agency*

The U.S. Environmental Protection Agency, Administrator or other duly authorized official.

3.29 *EPA*

Environmental Protection Agency

3.30 *Equivalent Residential Unit/Equivalent Dwelling Unit*

A single housekeeping unit or each unit of a multiunit structure, which unit shall be a common unit for living and sleeping purposes and having a separate bathroom and/or kitchen facility.

3.31 *EDU*
Equivalent Dwelling Unit

3.32 *ERU*
Equivalent Residential unit

3.33 *Fecal Coliform*
Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

3.34 *Floatable Oil*
Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.

3.35 *Floodplain*
The relatively flat or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The floodplain includes the channel, floodway, and fringe, and is so designated by the Federal Insurance Administration and/or the Indiana Department of Natural Resources.

a) Channel: The bed of a stream or waterway.

b) Floodway: The channel of a river or stream and those portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any river or stream. The Indiana Department of Natural Resources exercises primary jurisdiction in Floodway Districts.

c) Flood Fringe: The area adjoining a river or stream which has been or which may hereafter be flooded, but outside an identified Floodway District, and is so designated by the Federal Insurance Administration and/or the Indiana Department of Natural Resources.

3.36 *Garbage*
Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

3.37 *Governmental User*
Any federal, state and local governmental user of the wastewater treatment works.

3.38 *Grab Sample*
A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream over a period of time of not more than 15 minutes.

3.39 *Holding Tank Waste*
Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks,

and vacuum-pump tank trucks.

3.40 *IDEM*

Indiana Department of Environmental Management.

3.41 *Incompatible Pollutants*

Any pollutant which is not a compatible pollutant, including non-biodegradable dissolved solids and further defined in 40 CFR Part 403.

3.42 *Indirect Discharge*

~~The discharge or the introduction of nondomestic pollutant into the POTW (including holding tank waste discharged into the system).~~

3.43 *Industrial User*

A user of the treatment works which discharges wastewater from industrial, manufacturing, trade or business processes or from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

3.44 *Industrial Wastes*

The wastewater discharges from industrial, manufacturing, trade service, or business processes, or wastewater discharge from any structure with these characteristics, as distinct from their employee's domestic wastes or wastes from sanitary conveniences.

3.45 *Infiltration*

The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

3.46 *Infiltration/Inflow*

The total quantity of water from both infiltration and inflow without distinguishing the source.

3.47 *Inflow*

The water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguishable from infiltration).

3.48 *Inspector*

The person or persons duly authorized by the District through its Board of Trustees to inspect and approve the installation of building sewers and their connection to the public sewer

system and to implement and enforce the ordinances and rules and regulations of the District.

3.49 *Institutional User*

Any establishment listed in the SICM involved in a social, charitable, religious, or educational function which discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

3.50 *Interference*

The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the District's Discharge Permit, reduces the efficiency of the POTW, or prevents use or disposal of sewage sludge generated by the POTW.

3.51 *Laboratory Determination*

The measurements, tests and analysis of the characteristics of waters and wastes in accordance with the methods contained in the latest edition at the time of any such measurement, test, or analysis of "Standard Methods for Examination of Water and Wastewater," a joint publication of the American Public Health Association, the American Waterworks Association and the Water Pollution Control Federation, or in accordance with any other method prescribed by the rules and regulations promulgated pursuant to law.

3.52 *Local Limits*

The numerical or non-numerical standards and requirements established by the POTW or the District's discharge permit in order to protect the safety and welfare of the public and POTW workers, or to prevent pollutant interference, inhibition or pass-through in regard to plant operations, or to comply with state and federal regulations.

3.53 *Major Contributor*

A contributor that has any one (1) of the following characteristics:

- a) Has a flow of more than 2,000 gallons per average workday;
- b) Has in its waste a toxic pollutant in toxic amounts as defined in Section 307(a) of the Federal Act or State Statutes and rules;
- c) Has a flow greater than five (5) percent of flow carried by the municipal system receiving the waste; or
- d) Is found by the District, IDEM, or the U.S. Environmental Protection Agency (USEPA) to have significant impact, either singly or in connection with other contributing users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

3.54 *mg/L.*

Milligrams per liter.

3.55 *National Categorical Pretreatment Standard or Pretreatment Standard*

Any federal regulation containing pollutant discharge limits promulgated by the EPA, as found in 40 CFR Parts 401-471 as hereafter amended, which applies to a specific category of Industrial Users.

3.56 *National Prohibitive Discharge Standard or Prohibitive Discharge Standard*

Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

3.57 *Natural Outlet*

~~Any outlet including, but not limited to, storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.~~

3.58 *New Source*

Any building, structure, facility, or installation from which there is or may be a discharge and for which construction commenced after the publication of proposed pretreatment standards under section 307(c) of the Clean Water Act which will be applicable to the source if the standards are thereafter promulgated in accordance with section 307(c), and if any of the following provisions apply:

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

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

c) The production of wastewater-generating processes of the building, structure, facility, or installation is substantially independent of an existing source at the same site. The extent to which the new facility is engaged in the same general type of activity as the existing source and the extent of integration of the new facility with the existing plant should be considered in determining whether the process is substantially independent. Construction is considered to have commenced when installation or assembly of facilities/equipment has begun, significant site preparation has begun for installation or assembly, or the owner/operator has entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Construction on a site at which an existing source is located results in a modification, rather than a New Source, if the construction does not create a new building, structure, facility or installation meeting the criteria of items b) or c) above but otherwise alters, replaces, or adds to existing process or production equipment.

3.59 *Normal Domestic Sewage*

Wastewater which, when analyzed, shows a daily average concentration of not more than 200 mg/l of BOD; nor 200 mg/l of suspended solids; nor more than 6 mg/l of phosphorus; nor more than 40 mg/l of total Kjeldahl nitrogen.

3.60 *NPDES*

National Pollutant Discharge Elimination System permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to section 402 of Public Law 95-217.

3.61 *O & M*

Operation and Maintenance.

3.62 *Operation and Maintenance*

All work, materials, equipment, utilities and other effort required to operate and maintain the wastewater transportation and treatment system consistent with insuring adequate treatment of wastewater to produce an effluent in compliance with the District's Discharge Permit and other applicable state and federal regulations, and includes the cost of replacement.

3.63 *Owner*

Owner(s) of record of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm or corporation in control or possession of a building. This Ordinance shall be equally applicable to current and future Owner(s).

3.64 *pH*

The logarithm (Base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

3.65 *Person*

Any individual, partnership, limited partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or its legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

3.66 *Phosphorus (or P)*

The chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in Section 3.95 of this Ordinance.

3.67 *Pollutant*

Any of various chemicals, substances, and refuse materials such as solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, dredged spoil, incinerator residue, filter backwash, munitions, medical wastes, rock, sand, and industrial, municipal and agricultural wastes which impair the purity of the water and soil.

3.68 *Pollution*

The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

3.69 *POTW*

Publicly Owned Treatment Works as defined in Section 3.76.

3.70 *POTW Treatment Plant*

That portion of the POTW designed to provide treatment to wastewater.

3.71 *Pretreatment or Treatment*

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or other wise introducing such pollutants into a POTW. ~~The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes by other means, except as prohibited by 40 CFR Section 403.6(d).~~

3.72 *Pretreatment Requirements*

Any substantive or procedural requirement for treating of a waste prior to inclusion in the POTW, including National Categorical Pretreatment Standards.

3.73 *Process Wastewater*

Any water, which, 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. This definition specifically excludes noncontact cooling water, domestic wastewater, infiltration and inflow.

3.74 *Properly Shredded Garbage*

The wastes from the preparation, cooking and dispensing of food that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particles greater than one-half (½) inch in any dimension.

3.75 *Public Sewer*

A sewer and appurtenances owned and controlled by the District. In the event the easement described in Section 6.1 of this Ordinance is granted to the District, the Public Sewer shall consist of sewer piping from the Service Connection to a grinder pump station (consisting of approximately 4 to 5 feet of piping), grinder pump, grinder pump tank, valves, and electrical control panel, disconnect switch and all electrical wiring from the disconnect switch to the electrical control panel, power and control wiring from the control panel to the grinder pump, sewer piping from the grinder pump station to the collection system force main, including redundant check and ball valves, and the force main collection system, including cleanouts, line valves, air release valves, and manholes. In the event the easement described in Section 6.1 is not granted to the District, the Public Sewer shall consist of the redundant check and ball valve and the force main collection system, including cleanouts, line valves, air release valves, and manholes.

3.76 *Publicly Owned Treatment Works*

A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Twin Lakes Regional Sewer District. This definition includes any sewers

and appurtenances that convey wastewater to the POTW Treatment Plant including Public Sewers as defined hereinabove. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the District or outside the sewer service area who are, by contract or agreement with the District, users of the District's POTW.

3.77 *Replacement*

The replacement in whole or in part of any equipment, appurtenances and accessories in the wastewater transportation or treatment systems to insure continuous treatment of wastewater.

3.78 *Residential User*

A user of the treatment works whose premises or buildings are used primarily as a domicile for one or more persons, including dwelling units such as detached, semidetached and row houses, mobile homes, motor homes, travel trailers, modular homes, manufactured homes, sectional homes, apartments, or permanent multi-family dwellings. Bed and breakfasts, motels, rooming houses or other transient lodging is not included, but is considered commercial.

3.79 *Sanitary Sewage*

A flow which carries sanitary sewage and to which storm water, surface water and groundwater are not to be admitted.

3.80 *Sanitary Sewer*

A sewer which carries sanitary sewage and to which storm water, surface water and groundwater are not to be admitted.

3.81 *Service Connection*

The point of connection between the Building Sewer and the Public Sewer. Provided, however, that, in the event that an owner of property to be provided with sewage disposal service by the District refuses to grant the easement referenced in Section 6.1 of this Ordinance, the Service Connection shall be the point of connection between the Building Sewer and the Service Line.

3.82 *Service Line*

The Sewer, grinder or other pump, and other appurtenances extending from the Service Connection to the public right-of-way, easement, or other location where the District has a right to construct, install, inspect, repair, maintain, and replace Sewage Works.

3.83 *Severe Property Damage*

Substantial physical damage to property, damage to the User's pretreatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a Bypass. Severe Property Damage does not mean economic loss caused by delays in production.

3.84 *Sewage*

A combination of the liquid and water-carried wastes from residences, business buildings,

institutions, commercial buildings, and industrial establishments, including polluted cooling water.

3.85 *Sewage Treatment Plant or Wastewater Treatment Plant*

Any arrangement of devices and structures used for treating sewage.

3.86 *Sewage Works*

All facilities for collecting, pumping, treating and disposing of sewage. Also known as "Publicly Owned Treatment Works."

3.87 *Sewer*

A pipe or conduit for carrying sewage.

3.88 *Shall/May*

Shall is mandatory; May is permissive.

3.89 *SIC*

Standard Industrial Classification.

3.90 *SICM*

Standard Industrial Classification Manual

3.91 *Significant Industrial User*

Any Industrial User of the District's wastewater disposal system who (a) is subject to National Categorical Pretreatment Standards under 40 CFR 403 (1992) and 40 CFR Chapter I, subchapter N (1990); (b) has a discharge flow of 25,000 gallons or more of process water to the POTW, excluding sanitary, non-contact cooling water and boiler blow-down wastewater; per average work day; or (c) has a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or (d) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act, state statutes, and rules; or (e) is found by the District, Indiana Department of Environmental Management, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

3.92 *Significant Noncompliance (SNC)*

Means one or more of the following:

a) Chronic violation of wastewater discharge limit, defined here as when sixty-six (66) percent or more of all the measurements for a pollutant parameter taken during a six-month period exceed by any magnitude the corresponding daily maximum limit or the corresponding average limit;

b) Technical Review Criteria violation of wastewater discharge limit, defined here as when thirty-three (33) percent or more of all of the measurements for a pollutant parameter taken during a six-month period equal or exceed the product of the corresponding daily maximum limit

multiplied by the applicable TRC factor, or the product of the corresponding average limit multiplied by the applicable TRC Factor (TRC Factor = 1.4 for BOD, fats, oil and grease, and 1.2 for all other pollutants except pH).

c) Any other violation of a daily maximum limit or an average limit that the Superintendent determines has alone or in combination with other discharges caused interference or pass through, including endangering the health of POTW personnel or the general public;

d) Any discharge of a pollutant that has caused imminent endangerment to human health, public welfare, or the environment, or has resulted in the POTW exercising its emergency authority to halt or prevent such a discharge;

e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in the District's discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, and/or reports on compliance with compliance schedules;

g) Failure to accurately report noncompliance; and

h) Any other violation, or group of violations, which the Superintendent determines as adversely affecting operation or implementation of the District's pretreatment program.

3.93 *Slug Load*

Any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

3.94 *Standard Industrial Classification*

A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

3.95 *Standard Methods*

The laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and The Water Pollution Control Federation.

3.96 *State*

State of Indiana

3.97 *Storm Sewer or Storm Drain*

A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.

3.98 *Storm Water*

Any flow occurring during or following any form of natural precipitation and resulting therefrom.

3.99 *Superintendent*

The person designated by the District to supervise the operation of the publicly owned treatment works, who is charged with certain duties and responsibilities by this Ordinance, or his duly authorized representative. The Superintendent may be a corporation, limited liability company, partnership, or other organization providing operating services to the District pursuant to a contract arrangement.

3.100 *Suspended Solids (or S.S.)*

Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods".

3.101 *Total Solids*

The sum of suspended and dissolved solids.

3.102 *Township*

The Townships of Liberty or Monon or Union, White County, Indiana and other Townships where the District expands sewer service to additional lands.

3.103 *Toxic Pollutant*

Any pollutant or combination of pollutants which is or can potentially be harmful to public health or environment including those listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of §307 (a) of the Act or other acts.

3.104 *Uncontaminated Industrial Waste*

Wastewater which has not come into contact with any substance used in or incidental to industrial processing operations and to which no chemical or other substance has been added.

3.105 *Unpolluted Water*

Water of a quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

3.106 *User*

Any Person who contributes, causes or permits the contribution of wastewater into the POTW.

3.107 *User Class*

The kind of user connected to sanitary sewers including but not limited to residential, commercial, industrial, institutional and governmental.

3.108 *Upset*

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

3.109 *Volatile Organic Matter*

The material in the sewage solids transformed to gases or vapors when heated to 550 degrees C for 15 to 20 minutes.

3.110 *Wastewater*

The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities and institutions, together with any groundwater, surface water, and storm water that may be present whether treated or untreated, which is contributed into or permitted to enter the POTW.

3.111 *Watercourse*

A channel in which a flow of water occurs, either continuously or intermittently.

3.112 *Waters of the State*

All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water surface or underground, natural or artificial, public or private, which are contained within flow through, or border upon the State or any portion thereof.

Sec.4.0 *Discharge of Sewage*

4.1 *Discharge of Sewage*

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner upon public or private property within the District, or in any area under the jurisdiction of said District, any human excrement, garbage or other objectionable waste.

4.2 *Discharge within the District*

Within the District, where Public Sewers are available and located within 300 feet of a property owner's property line, it shall be unlawful to construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage, unless specifically permitted by the District. For purposes of this subsection, a public sewer shall be deemed "available" if the District, in its sole discretion, determines that it is cost effective to provide sewer service to a property within the District, and a cost effective determination shall be conclusively presumed from the mailing of a notice to connect as provided in Ind.Code §13-26-5-2(8).

4.3 *Discharge of Water to the Sewer*

No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, water from downspouts, water from footing drains, water from garage drains, geothermal water, heating or cooling water, unpolluted water, unpolluted industrial water, or water from basement or crawl spaces.

4.4 *Wastewater Disposal*

No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the District, any wastewater or other polluted water.

4.5 *Discharge to Natural Outlet*

No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this Ordinance and the District's NPDES permit.

Sec. 5.0 Building Sewers and Connections

5.1 Required Connection to Public Sewer

The owner of any house, building or property used for human occupancy, employment, recreation or other purposes requiring wastewater disposal, situated within the District defined for sewerage service by the District is hereby required to cause his property to be connected with the Public Sewer in accordance with the provisions of this Ordinance, within ninety (90) days after the date of official notice to do so, provided that said Public Sewer is within three hundred (300) feet of the property line. Such notice shall be provided in accordance with Ind. Code §13-26-5-2(8).

5.2 Permissible Connection to Public Sewer

Owners not receiving a notice to connect as described in Section 5.1 of this Ordinance may be permitted to connect to the District's Public Sewers upon the submission of an application in a form established by the District, the granting of such easement(s) as may be necessary, the payment of application fees, connection fees, availability fees, permit and inspection fees, and such other fees as established by the District by Ordinance duly adopted, and the determination by the District of the availability of capacity. The District may refuse to grant a permit to connect if the District shall determine the Public Sewer system, the sewage treatment facilities or the treatment plant do not have adequate capacity or capability to accommodate the proposed connection. No new connection shall be made unless there is capacity available to all downstream sewers and the sewage treatment plant, including capacity for BOD, SS and other pollutants, as determined by the District.

5.3 Permit

No person shall uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenance thereto, or install, disconnect, remove, or repair a Service Connection without first obtaining a written permit therefor from the District. Application for a permit to connect to the Public Sewer or to install, disconnect, remove, or repair a Service Connection shall be made on appropriate forms provided by the District. The application shall be supplemented by such plans, specifications or other information as the District shall reasonably require. The District Board shall establish permit and inspection fees by Ordinance. Such permit and inspection fees shall be paid at the time the application is filed. The District may refuse to grant a permit to install or repair a Service Connection if the District shall determine that the installation or repair is not in compliance with this Ordinance or that adequate capacity, as aforesaid, is not available.

5.4 Building Sewers

The Owner of a building or premises to be provided sewage disposal service by the District, or his authorized representative, shall be responsible, at his own cost, for the installation, connection and maintenance of the Building Sewer for such building or premises up to and including the Service Connection in accordance with the specifications of the District. No Building Sewer shall be covered until it has been inspected and approved as being of adequate and acceptable construction, size and location by the District. The Owner and, where appropriate, his authorized representative, shall indemnify and hold the District and its

employees, agents and representatives free and harmless from any and all liability or responsibility for all injury, loss or damage that may result directly or indirectly from the installation, connection or maintenance of the Building Sewer.

5.4.1 *Building Sewer Requirements*

A separate and independent Building Sewer shall be provided for each building or premise to be connected to Public Sewers. Provided, however, where, as determined by the Superintendent, one building or premise 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 premise through an adjoining alley, court, yard or driveway, the Building Sewer from the front building or premise may be extended to the rear building or premise. In the event adjoining properties share a grinder pump or other appurtenance pursuant to the District's plans for the Sewage Works, the Owner of each property shall, at his expense, install and maintain in the Building Sewer a backflow prevention device.

5.4.2 *Specifications*

The Building Sewer shall be constructed of pipe with gasketed joints, Schedule 40 PVC, SDR 21, or as approved by the Superintendent. All connectors shall be gastight and watertight using an approved neoprene adaptor. The District reserves the right to specify and require the encasement of any sewer pipe with concrete or the installation of the sewer pipe in concrete cradle if foundation and construction are such as to warrant such protection in the opinion of the Superintendent. The size and slope of the Building Sewer shall be subject to approval by the Superintendent, but in no event shall the diameter be less than four (4) inches and the slope less than one-fourth (1/4) inch per foot, unless otherwise permitted. The slope of pipe, the diameter of which is six (6) inches or more, shall be not less than one-eighth (1/8) inch per foot unless otherwise permitted.

5.4.3 *Old Building Sewers*

An existing Building Sewer may be used only where it is found, on inspection by the District, to be of adequate construction, size and location and in accordance with the specifications hereafter provided, except that minimum Schedule 40 PVC solvent welded joints in good condition and already existing before a notice to connect is mailed by the District may be permitted by the Superintendent.

5.4.4 *Building Sewer Connection*

The Building Sewer shall connect to a Service Connection. Every connection, including the Service Connection, shall conform to the requirements of the District and any county building and plumbing ordinances and regulations, as now enforced and as hereafter adopted or amended, and all other applicable rules and regulations of the District, the procedures set forth in appropriate specifications of the American Society for Testing and Materials and the Water Pollution Control Federation Manual of Practice No. 9, as amended, as well as, where applicable, all requirements of the State of Indiana, White County and/or any governmental agency operating and maintaining Public Sewers on behalf of the District. All such connections shall be gastight and watertight. Any deviation from these prescribed procedures and materials must be approved in writing by the District before installation.

5.5 *Inspection*

The applicant for a permit as described in Section 5.3 shall notify the District when the Building Sewer is ready for a Service Connection. The Service Connection shall be made under the supervision of the District or its authorized representative. No backfill shall be placed until the work has been inspected and approved by the District. Except where other provisions are made, the District's inspection shall be completed by the end of the next business day after the Superintendent's receipt of notice that an installation is ready for connection.

5.6 *New Construction*

The basement floor level of all new structures from which it is anticipated that sewage or industrial wastewaters may emanate shall be at such level that such sewage and industrial wastewaters can flow by gravity to the Public Sewer. In the alternative, a pump or other suitable device shall be installed and maintained by the Owner to lift the sewage or industrial wastewaters to a level from which they flow by gravity to the Public Sewer.

5.7 *Excavations*

All excavations for Building Sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored to a manner satisfactory to the District.

5.8 *Delegation*

The District Board may, by resolution which shall be amendable and revocable at any time, delegate all or any part of the permit, inspection and other District functions or responsibilities specified in this section to any other governmental or private agency operating and maintaining Public Sewers on behalf of the District. Such resolution shall be effective only for such portion of the District's Public Sewers as are operated and maintained by such agency. Regardless of any delegation authorized by this Section, the District Board only shall have the authority to refuse a permit to connect as provided in Section 5.3 above.

Section 6 *Easements/Operation and Maintenance Responsibilities, Contractors, and Electrical Service*

6.1 *On-Lot Easements*

Prior to the construction of any portion of a Public Sewer on private property to which a Service Connection will, can, or may be made, the District may request that the Owner of record of the premises to be connected execute an easement in a form provided by the District granting the District permission to install, inspect, operate, maintain, repair, and replace that portion of the Public Sewer designed to be located on the Owner(s)' property and to which the Service Connection is designed to be made.

~~6.1.1 *District's Responsibilities on Grant of Easement*~~

If the Owner provides such easement, then the District shall provide, at its cost, the installation and all needed inspections, repairs, operation, maintenance and replacement of any portion of the Public Sewer on the Owner's property as provided in Section 6.2.

6.1.2 *Denial of Easement*

If the Owner, for any reason, declines to provide said easement, then the District shall not install Public Sewers on the property of the Owner. In such event, the District shall provide the Owner(s) with sufficient piping, a grinder or other pump specified in the design of the Sewage Works, and other components for construction of a Service Line in accordance with the District's plans, together with an appropriate bill of sale conveying from the District to the Owner title to all such piping, pump(s), and other components. The Owner shall install or cause to be installed at the Owner's expense the piping, pump(s) and other components constituting the Service Line to connect the Service Connection to the Public Sewer in accordance with the District's plans and specifications for that line. Unless otherwise approved by the Superintendent, any pump utilized in the sewer system shall be installed no less than four (4) feet downstream from the Service Connection. The Owner must obtain a permit, cause and permit inspection by the District, and cause construction of the Service Line to be performed by registered contractors in the same manner as provided in Sections 5 and 6.4 for the permitting, inspection, and construction of the Building Sewer and the Service Connection. The Owner shall, at his expense, inspect, repair, operate, maintain and replace the Service Line in accordance with Section 6.3 below.

6.1.3 *Subsequent Grant of Easement/Maintenance Responsibilities*

An Owner or his successor may, at any time following the proper installation and inspection of the Service Line on premises for which no easement was provided to the District, grant the appropriate easement to the District. The District shall accept said easement and assume the responsibility for inspection, repair, operation, maintenance and replacement of the Service Line, provided that the Superintendent has inspected the piping, any pump, and other appurtenances constituting the Service Line and is satisfied that said piping, pump, and other appurtenances are in good working order, reasonable wear and tear excepted. Provided, however, that the Owner shall remain responsible for inspection, repair, operation, maintenance and replacement of the Building Sewer and Service Connection. In the event an inspection reveals that piping, any pump, and other appurtenances constituting the Service Line has not been properly maintained or that the condition of said piping, pump, and other appurtenances has deteriorated beyond

reasonable wear and tear, the District may condition its acceptance of the easement and assumption of the financial responsibility for operation, inspection, maintenance, repair and replacement of said Service Line upon:

a) appropriate repairs of said piping, pump, and other appurtenances at the expense of the Owner;

b) replacement of said piping, pump, and other appurtenances or individual components thereof at the expense of the Owner;

c) or such other conditions as the District, in the exercise of its judgment, deems appropriate.

Delivery of the easement by the Owner to the District shall be accompanied by an executed Bill of Sale by the Owner(s) conveying all components of the Service Line to the District free of charge to the District. Upon delivery and acceptance of such an easement, together with the executed Bill of Sale, the Service Line shall become a Public Sewer.

6.2 *District's Responsibility for Repairs, Operation and Maintenance*

The cost of all repairs, installation, operation, maintenance, inspection, and replacement of the Public Sewer, including any portion of the Public Sewer lying on private property for which the Owner has granted an easement to the District, shall be borne by the District as part of the District's budgeted annual expense of the System. *Per 1.2 Amendment*

6.3 *Owner's Responsibility for Repairs, Operation and Maintenance*

The cost of all inspections, repairs, installation, operation, maintenance and replacements of Building Sewers and the Service Connection shall be borne by the Owner. If the Owner has not granted an easement to the District to install and maintain any portion of the Public Sewer on his property, then the cost of all inspections, repairs, installation, operation, maintenance and replacement of the Service Line shall also be borne by the Owner.

6.4 *Contractor Requirements*

Any Person desiring to construct or install, repair, maintain, or replace a Building Sewer or a Service Line, or uncover, make any connection with or opening into, use, alter or disturb any Public Sewer or appurtenances thereof, must register with the District. The registration shall be made on a calendar year basis.

6.5 *Demolition of Existing Buildings*

The owner of an existing building to which a Service Connection has been made, shall obtain a permit from the District to disconnect the Building Sewer from the Service Connection or the Service Connection from the Public Sewer and cap same before demolition or removal of the building and shall permit and cause the disconnection and related construction to be inspected by the District in accordance with this regulation.

TWIN LAKES REGIONAL SEWER DISTRICT
ORDINANCE NO. 2000-01
AMENDMENT TO SEWER USE
ORDINANCE (ORDINANCE NO. 99-01)

An Ordinance amending Section 6.1.2 of the Sewer Use Ordinance (Ordinance No. 99-01), a section regulating the connection to and use of public and private sewers and drains and the responsibilities for the purchase, installation, and use of certain piping, a grinder or other pump(s), and other components in cases where the Owner fails or refuses to grant the District an easement over the Owner's property.

**THE TWIN LAKES REGIONAL SEWER DISTRICT, WHITE COUNTY, STATE
OF INDIANA ORDAINS:**

Section 6.1.2 of the Sewer Use Ordinance (Ordinance No. 99-01) adopted and enacted on the 10th day of March, 1999, is hereby amended to read as follows:

6.1.2 Denial of Easement

If the Owner(s), for any reason, declines to provide said easement, then the District shall not install Public Sewers on the property of the Owner. In such event, the District shall provide the Owner(s) with sufficient piping, a grinder or other pump specified in the design of the Sewage Works, and other components for construction of a Service Line in accordance with the District's plans, together with a bill from the District to the Owner for the costs incurred by the District for acquisition of said piping, grinder or other pump(s), and other components. Such bill is subject to all penalties contained in this ordinance for nonpayment thereof and may be collected by the District in the same manner as provided in this ordinance or as provided for the collection of rates and charges as prescribed in the District's Sewer Rate Ordinance (Ordinance No. 99-03) as same may be from time to time amended. Upon receipt of payment of the bill for such piping, pump(s), and other components, the District will provide the Owner an appropriate bill of sale conveying from the District to the Owner title to all such piping, pump(s), and other components. The Owner shall install or cause to be installed at the Owner's expense the piping, pump(s) and other components constituting the Service Line to connect the Service Connection to the Public Sewer in accordance with the District's plans and specifications for that line. Unless otherwise approved by the Superintendent, any pump utilized in the sewer system shall be installed no less than four (4) feet downstream from the Service Connection. The Owner must obtain a permit, cause and permit inspection by the District, and cause construction of the Service Line to be performed by registered contractors in the same manner as provided in Sections 5 and 6.4 for the

ALL OF WHICH IS DULY ORDAINED ON THIS 10 DAY OF MARCH,
1999.

TWIN LAKES REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES

Karl H. Allen J

Loyd Clerget

Carl W. W. W.

Lawrence G. Wilson

Richard L. Hill

Donald G. Appleton

ATTEST:

Loyd Clerget
LOYD CLERGET, SECRETARY

6.6 *Provision of Electrical Service*

The Owner of a building to which a Service Connection is made or required as provided herein shall provide and maintain an electrical service as specified by the District for the operation of a grinder or other pump or other appurtenances requiring electricity incorporated as a part of the Sewage Works for purposes of providing sewage disposal to that Owner's premises. The Owner shall also be responsible for all billings in connection with said electrical service.

6.6
amendment
see next page

TWIN LAKES REGIONAL SEWER DISTRICT
ORDINANCE NO. 2002-4
AMENDMENT TO SEWER USE
(ORDINANCE NO. 99-01)

An Ordinance amending Section 6.6 of the Sewer Use Ordinance (Ordinance No. 99-01), a section establishing the responsibility of the owner of property served by the sewage works to provide, maintain, and pay for electrical service.

THE TWIN LAKES REGIONAL SEWER DISTRICT, WHITE COUNTY,
STATE OF INDIANA ORDAINS:

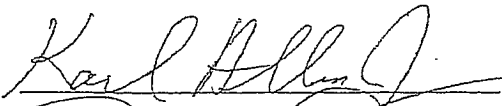
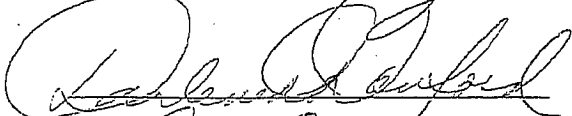
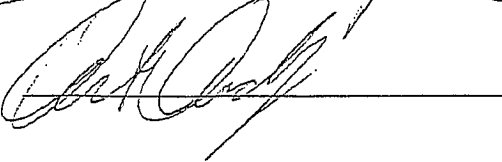
Section 6.6 of the Sewer Use Ordinance (Ordinance No. 99-01) adopted and enacted on the
10th day of March, 1999, is hereby amended to read as follows:

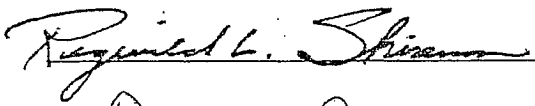


6.6 *Provision of Electrical Service*

Unless determined by the District that an alternative configuration is more financially viable, the Owner of a building to which a Service Connection is made or required as provided herein shall provide and maintain an electrical service as specified by the District for the operation of a grinder or other pump or other appurtenances requiring electricity incorporated as a part of the Sewage Works for purposes of providing sewage disposal to that Owner's premises. The Owner shall also be responsible for all billings in connection with said electrical service.

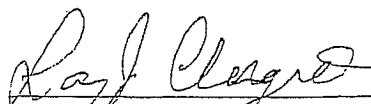
This Ordinance shall take effect upon its passage and publication.

ALL OF WHICH IS DULY ORDAINED ON THIS 10th DAY OF
October, 2002.

ATTEST:


Loyd Clerget, Secretary

Sec.7.0 *Process Wastewater*

7.1

No Industrial Wastes or Process Wastewater will be permitted to be discharged to Public Sewers unless specifically permitted by action of the District's Board. Any industry or structure discharging process wastewater to the sanitary sewer, storm sewer or receiving stream within the Sewer Service District shall file the documents listed below with the Superintendent. Any industry which does not normally discharge to the sanitary sewer, storm sewer or receiving stream, but has the potential to do so from accidental spills or similar circumstances, shall also file the documents listed below with the Superintendent.

The Superintendent may require each person who applies for or receives sewer service, or who through the nature of an enterprise, creates a potential environmental problem within the District, to file the documents listed below on a disclosure form prescribed by the District.

7.1.1

Name, address, location (if different from the service address), and telephone number.

7.1.2

SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, as amended.

7.1.3

Wastewater constituents and characteristics including but not limited to those mentioned in Section 8 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with the procedures and methods detailed in:

a) "Standard Methods for the Examination of Water and Wastewater", American Public Health Association, current edition.

b) "Manual of Methods for Chemical Analysis of Water and Wastes", United States Environmental Protection Agency, current edition.

c) "Annual Book of Standards, part 131, Water, Atmospheric Analysis," American Society of Testing Materials, current edition.

7.1.4

Time and duration of contribution.

7.1.5

Average daily wastewater flow rates, including daily, monthly and seasonal variations, if any.

7.1.6

Industries identified as significant industries or those required by the District must submit site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer

connections, and appurtenances by the size, location and elevation.

7.1.7

Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged.

7.1.8

Where known, the nature and concentration of any pollutants in the discharge which are limited by any authority, State or Federal pretreatment Standard, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance and/or additional pretreatment is required by the industrial User to meet applicable Pretreatment Standards.

7.1.9

If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, commencement of construction, completion of construction, etc.).

b) No increment referred to in paragraph a) above shall exceed nine (9) months.

c) For existing Users, no increment referred to in paragraph a) above shall exceed nine (9) months. For new sources, all pollution control equipment required to meet applicable pretreatment standards shall be installed and in operating condition before beginning to discharge.

d) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Superintendent including, at a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established, in no event shall more than nine (9) months elapse between such progress reports to the Superintendent.

7.1.10

Each product produced by type, amount, process or processes and rate of production.

7.1.11

Type and amount of raw materials processed, average and maximum per day.

7.1.12

Number and type of employees, hours of operation of plant and proposed actual hours of operation of pretreatment system.

7.1.13

Any other information as may be deemed by the District to be necessary to evaluate the impact of the discharge on the POTW.

7.1.14

The disclosure form shall be signed by a principal executive officer of the User and a qualified engineer licensed in the State of Indiana.

7.1.15

The District will evaluate the complete disclosure form and data furnished and may require additional information. Within ninety (90) days after full evaluation and acceptance of the data furnished, the District shall notify the User of the acceptance thereof.

7.2

Wastewater discharges shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the District. The District may:

7.2.1

Set unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;

7.2.2

Limit the average and maximum wastewater constituents and characteristics;

7.2.3

Limit the average and maximum rate and time of discharge or make requirements for flow regulations and equalization;

7.2.4

Require the installation and maintenance of inspection and sampling facilities;

7.2.5

Establish specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

7.2.6

Require submission of technical reports or discharge reports;

7.2.7

Require the maintaining, retaining and furnishing of plant records relating to wastewater discharge as specified by the District, and affording the District access thereto, and copying thereof;

7.2.8

Require prior notification to the District as required by the permit of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system, including all of the following, if applicable:

- a) Groundwater's that are purged for remedial action programs;
- b) Groundwater's containing pollutants that infiltrate into the sewers;
- c) Listed or characteristic hazardous wastes.

7.2.9

Require notification of slug discharges;

7.2.10

Require other conditions as deemed appropriate by the District to ensure compliance with this Ordinance.

7.2.11

Require waste treatment facilities, process facilities, waste streams, or other potential waste problems to be placed under the specific supervision and control of persons who have been certified by an appropriate state agency as properly qualified to supervise such facilities.

7.2.12

Require records and file reports to be maintained on the final disposal of specific liquids, solids, sludges, oils, radioactive materials, solvents, or other wastes.

7.2.13

Establish compliance schedules.

7.2.14

Convert concentration-based National Categorical Pretreatment Standards to equivalent mass-based or production-based Pretreatment Requirements.

7.2.15

Control through permit, order, or similar means, the contribution to the POTW by each User to ensure compliance with applicable National Categorical Pretreatment Standards or Pretreatment Requirements. The control mechanism may limit duration to a maximum of five (5) years, require nontransferability without appropriate prior notification, set effluent limits,

establish monitoring and reporting requirements, contain a statement of applicable penalties for violations, provide a provision for the modification of the control mechanism by the Superintendent in the event of revised NPDES permit conditions, water quality standards, categorical pretreatment standards, or Industrial Pretreatment Program objectives, and a provision for the issuance, revocation, suspension, or modification of a control mechanism based on User's compliance with categorical pretreatment standards or with this Ordinance.

7.2.16

Adjust National Categorical Pretreatment Standards to reflect the presence of pollutants in a User's intake water.

7.3 *Baseline and Compliance Reports*

7.3.1

Within one hundred eighty (180) days after promulgation or revision of a National Categorical Pretreatment Standard, all existing affected Industrial Users must submit to the Superintendent the information specified by the National Categorical Pretreatment Standard, R323.2310(2) subdivisions a. through g.

7.3.2

At least ninety (90) days prior to commencement of discharge, New Sources and sources that become affected Industrial Users subsequent to the promulgation of an applicable National Categorical Pretreatment Standard, shall submit to the Superintendent the information specified by the National Categorical Pretreatment Standard, R323.2310(2) subdivisions a. through e. New Sources shall also include in this report information on the method of pretreatment they intend to use to meet the applicable pretreatment standard and shall give estimates of the required information regarding flow and pollutant discharge.

7.3.3

Industrial users shall report any changes in the reports required by sections 7.3.1 and 7.3.2 to the Superintendent within sixty (60) days.

7.3.4

Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Superintendent a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements, and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. For Users subject to equivalent-mass or concentration-based limits established by the Superintendent, the report shall contain a reasonable measure of the long-term production rate. For Users subject to Categorical Pretreatment Standards expressed per unit of production, the report shall include the actual production during the sampling period. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what

additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement will be signed by an Authorized Representative of the Industrial User and certified to by a qualified professional engineer licensed in the State of Indiana.

7.4

Any User or New Source discharging into the POTW, shall submit to the Superintendent during the months of June and December, unless required more frequently in Pretreatment Standard or by the Superintendent, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards or this Ordinance. In addition, ~~this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow reported in Section 7.1.5 of this section.~~ At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.

7.4.1

The Superintendent may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases in which the imposition of mass limitations is appropriate. In such cases, the report required by this paragraph shall also indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User.

7.4.2

If a User is subject to reporting requirements required to demonstrate continued compliance and monitors any pollutant more frequently than required by the District, using Standard Laboratory Procedures, the results of this additional monitoring shall also be included in the Periodic Compliance Report.

7.4.3

If sampling performed by a User indicates a violation, the User shall notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and submit the results of re-analysis within thirty (30) days after becoming aware of the violation, except when the Superintendent will be performing scheduled surveillance sampling/analysis within this thirty (30) day period.

7.4.4

Reports required by this Ordinance shall be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. Reports of permittees shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Superintendent, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR Part 136 or with any other test procedures approved by the Superintendent. Sampling shall be performed in accordance with the techniques approved by the

Superintendent. Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analyses shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluent for Priority Pollutants," April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the administrator of the EPA.

7.5

The District may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises; but the District may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with plans and specifications submitted to and approved by the District and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the District.

7.6

The District shall inspect the facilities of any User to ascertain that the purpose of this Ordinance are being met and that all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the District or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, records copying or in the performance of any of their duties. The District, Indiana Department of Environmental Management and EPA shall have the right to install on the User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the District, Indiana Department of Environmental Management, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

7.7

Notwithstanding other provisions in this Ordinance, unless specifically permitted by action of the District Board, no industrial wastes or process wastewater will be permitted to be discharged to the system. Industrial Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Pretreatment Standards within the time limitations as required by the District. Any facilities required to pretreat wastewater to a level acceptable to the District shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility.

The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the District under the provisions of this Ordinance. Any subsequent change in the pretreatment facilities or method of operation shall be reported to and be acceptable to the District prior to the User's initiation of the changes.

All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Indiana Department of Environmental Management upon request.

7.8

Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the District that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the District's Discharge Permit, or the Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the District as confidential shall not be transmitted to any governmental agency or to the general public by the District until and unless a ten (10) day notification is given to the User. Notwithstanding the above, any Federal and State Freedom of Information and Privacy Act shall regulate the release of all information.

7.9

All Users shall notify the Superintendent, the EPA Regional Waste Management Division Director, and the State Hazardous Waste Authority in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR, Part 261 if disposed via other means. Notification details, as well as allowable exemptions, shall be in accordance with 40 CFR, Part 403.12(p). In the case of any new regulations under section 3001 of the Resource Conservation & Recovery Act (RCRA), as amended, identifying additional characteristics of hazardous waste or listing any additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must provide notification of the discharge of such substance within ninety (90) days of the effective date of such regulations. In the case of any notification of hazardous waste discharges, the User shall further certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated.

7.10

All reports required by this section shall be signed by the Authorized Representative of the

Industrial User and include the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. The information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the Authorized Representative of an Industrial User changes because a different individual has responsibility for the overall operation of the facility or for environmental matters of the company, a new authorization satisfying the requirements of Section 3.6, Authorized Representative of Industrial User, Item (c), must be submitted to the District prior to or together with any reports to be signed by that representative.

Sec. 8.0 *Use of the Public Sewers*

8.1

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of POTW whether or not the User is subject to any other national, state, or local Pretreatment Standards or requirements. A User may not contribute industrial waste or wastewater containing the following substances to any POTW:

8.1.1

~~Any liquids, solids or gases which by reason of their nature and quantity are, or may be,~~ sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, zylene, ethers, alcohols, ketones, aldehydes, peroxides, polychlorinated biphenyls, polybromated biphenyls, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

8.1.2

Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half inch ($\frac{1}{2}$ ") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

8.1.3

Any wastewater having a pH less than 6.0 or greater than 9.5, or wastewater having any other corrosive property capable of causing damage or hazard to structure, equipment, or personnel of the POTW.

8.1.4

Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. This prohibition of toxic pollutants will conform to Section 304 (a) of the Act, as amended.

8.1.5

Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair, including pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

8.1.6

Any substance which may cause the effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process.

8.1.7

Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.

8.1.8

Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

8.1.9

Any wastewater having a temperature which will inhibit biological activity in the POTW resulting in Interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104F).

8.1.10

Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which will cause Interference to the POTW.

8.1.11

Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

8.1.12

Any wastewater which causes a hazard to human life or creates a public nuisance.

8.1.13

Any unpolluted water including, but not limited to storm water, groundwater, roof water, or noncontact cooling water.

8.1.14

Any waters or wastes containing suspended solids or any constituent of such character and quantity that unusual attention or expense is required to handle such materials at the POTW Treatment Plant.

8.1.15

Any sludge, precipitate or congealed substances resulting from an industrial or commercial process, or resulting from the pretreatment of wastewater or air pollutants.

8.1.16

Any pumpage from holding tanks or septic tanks except at the POTW Treatment Plant as

provided in Section 12 of this Ordinance.

8.1.17

Any waste from individual sewage disposal systems except at the POTW Treatment Plant as provided in Section 12; provided, however that waste from any individual sewage disposal system may be disposed of directly into a sanitary sewer upon entering into an agreement with the Superintendent, which agreement shall specify the site of disposal, sewage disposal charge, and such other conditions as may be required to satisfy appropriate sanitation and health requirements. For the purpose of this subsection, "individual sewage disposal system" is defined to include every means of disposing of industrial, commercial, household, domestic or other water-carried sanitary waste of sewage other than a public sanitary sewer.

8.1.18

Any trucked or hauled wastewater, except at the POTW Treatment Plant as provided in Section 12 of this Ordinance.

8.1.19

Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.

8.2 *Discharge Pollutant Limitations*

8.2.1

Unless specifically authorized by the Superintendent, no discharge wastewater shall contain in excess of the following:

a) ND(1)	mg/L arsenic
b) 0.013	mg/l Cadmium
c) 1,400	mg/L Chloride
d) 1.5	mg/l Chromium (total)
e) 4.2	mg/l Copper
f) 0.83	mg/l Cyanides
g) 0.014	mg/l Lead
h) ND(2)	mg/l Mercury
i) 0.38	mg/l Nickel
j) 0.28	mg/l Silver
k) 720	mg/l Sodium
l) 3.1	mg/l Zinc

where:

ND(1) indicates nondetectable per the practical level of quantification for U.S. EPA Method 206.2, unless a higher detection level is appropriate because of demonstrated sample matrix interference; and

ND(2) indicates nondetectable per the practical level of quantification for U.S. EPA Method 245.1, unless a higher detection level is appropriate because of demonstrated sample matrix interference.

8.2.2

Should the above concentrations, either individually or in combination with other substances interfere with the sewage treatment process or cause difficulties or damage to the receiving waters, the maximum concentration of these substances will be reduced by order of the Superintendent.

8.2.3

Should any other substances either individually or in combination with other substances interfere with the sewage treatment process or cause damage to the receiving waters or affect the sanitary or storm sewer system, the allowable concentration of these substances will be reduced by order of the Superintendent.

Should the Superintendent determine that the above limits can be raised without damage to the sewer system or the sewage plant exceeding the state or federal limits, then the Superintendent may raise the limits and shall determine the individual concentrations depending on quantity of flow, equipment, capabilities, reliability of testing, etc.

8.2.4

If any waters are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated above, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may respond as follows:

- a) Reject the wastes;
- b) Require pretreatment to the level defined as "Normal Domestic Sewage";
- c) Require control over the quantities and rates of discharge;
- d) Require payment to cover the added cost of handling and treating the wastes not covered by normal sewer charges;
- e) Require new industrial customers or industries with significant changes in strength or flow to submit prior information to the District concerning the proposed flows.

8.2.5

If the Superintendent permits 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 District and shall be subject to the requirements of all applicable codes, regulations and laws. Dilution is prohibited unless specifically approved by the Superintendent.

8.3

The District reserves the right to establish by rules and regulations more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives stated in this Ordinance.

8.3.1

Upon the promulgation of the National Categorical Pretreatment Standards for a particular subcategory, the Pretreatment Standard, if more stringent than limitations imposed under this Ordinance or any rules and regulations established pursuant to Section 8.3 hereof for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance or any rules and regulations established pursuant to Section 8.3 hereof and shall be considered part of this Ordinance. The Superintendent shall notify all affected Users of the applicable reporting requirements.

8.3.2

Existing Users subject to new National Categorical Pretreatment Standards shall achieve compliance within three (3) years of the date the standard is promulgated, unless a shorter compliance schedule is specified in the standard. New Sources subject to National Categorical Pretreatment Standards shall install, have in operating condition, and have started up all pretreatment equipment required to achieve compliance before beginning to discharge; and shall meet all applicable pretreatment standards within the shortest feasible time, but not to exceed ninety (90) days after beginning to discharge.

8.4

No User shall discharge or cause to be discharged any storm water, surface water, subsurface drainage, groundwater, water from footing drains, heating or cooling water, water from gutters, downspouts, or geothermal water, water from garage drains, or roof water to any sanitary sewer or Sewer Connection. Any premises connected to a storm sewer shall comply with county, state and federal requirements as well as those of the District.

8.5

Storm water, groundwater, all other unpolluted drainage, and all other waters described in Sections 4.3 and/or 8.4 shall be discharged to surface water courses or to such sewers as are specifically designed as storm sewers. Discharge of cooling water or unpolluted process water to a natural outlet shall be approved only by the Indiana Department of Environmental Management.

8.6

Grease, oil and sand interceptors shall be provided when in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious material capable of withstanding abrupt and

extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers, which when bolted in place shall be gastight and watertight.

8.7

Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at the Owner's expense, in a continuously efficient operation at all times.

8.8

Where necessary in the opinion of the District, the owner shall provide at his expense, such preliminary treatment as may be necessary to reduce the five (5) day-BOD, suspended solids, phosphorus and total inorganic nitrogen to the concentrations given in 8.8.1, 8.8.2, 8.8.3 and 8.8.4 below; or to reduce objectionable characteristics of constituents to within the maximum limits provided for in Section 8.2.1, or control the quantities and rates of discharge of such waters or wastes.

8.8.1

Five (5) day BOD greater than 200 parts per million by weight.

8.8.2

Containing more than 200 parts per million by weight of suspended solids.

8.8.3

Containing more than 6 parts per million by weight of phosphorus.

8.8.4

Containing more than 40 parts per million by weight of total inorganic nitrogen.

8.9

Where the strength of sewage from an industrial, commercial or institutional establishment exceeds (1) 200 parts per million of biochemical oxygen demand or (2) 200 parts per million by weight of suspended solids or (3) 6 parts per million by weight of phosphorus or (4) 40 parts per million by weight of total inorganic nitrogen and where such wastes are permitted to be discharged to the sewer system by the District, an added charge, as provided in the District's Rate Ordinance, will be made against such establishment according to the strength of such wastes when so required by the District. The strength of such wastes shall be determined by composite samples taken over a sufficient period of time to insure a representative sample. The cost of taking and making the first of these samples shall be borne by the District. The cost of any subsequent sampling and testing shall be borne by the industry or establishment, whether owner or lessee. Tests shall be made by an independent laboratory or at the District wastewater treatment plant.

8.10

All measurements, tests and analysis of the characteristics of water to which reference is made in Subsections 8.1 thru 8.8, shall be determined in accordance with the latest edition at the

time of "Standard Methods for Examination of Water and Sewage," and shall be determined at the control manhole or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the Public Sewer to the point at which the Building Sewer is connected.

8.11

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Pretreatment Standards, or in any other pollutant-specific limitation developed by the District, State, or EPA.

8.12

Where required a User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the District for review and shall be approved by the District before construction of the facility. All required Users shall complete such a plan within one hundred eighty (180) days after the adoption of this Ordinance and prior to connection to the POTW. If required by the District, a User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the District. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately notify the Superintendent of the incident by telephone or other means of personal, direct contact. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

8.12.1 *Written Notice*

Within five (5) days following an accidental discharge, the User shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, groundwater contamination or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

8.12.2 *Notice to Employees*

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees of whom to contact in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

8.13 Combined Wastestreams

8.13.1

The following definitions apply to the terms used in this section:

a) "Wastestream" means wastewater from a particular process.

b) "Regulated Wastestream" means wastewater from a particular process that is subject to a Categorical Pretreatment Standard.

~~c) "Combined Wastestream" means any combination of regulated streams and wastestreams not subject to a Categorical Pretreatment Standard.~~

d) "Combined Treatment Facility" means the equipment and processes used to reduce the mass or concentration of pollutants in a combined wastestream before discharge to the sanitary sewer system.

8.13.2

When a Regulated Wastestream is mixed before treatment with other wastewaters, the Superintendent may calculate alternative limits for the Combined Wastestream. The following parameters shall be utilized by the Superintendent in making the calculation:

C_i = Categorical Pretreatment Standard concentration limit for a pollutant in Regulated Wastestream i ;

CT = Alternative concentration limit for the Combined Wastestream;

M_i = The Categorical Pretreatment Standard mass limit for a pollutant in Regulated Wastestream i ;

MT = Alternative mass limit for the pollutant in the Combined Wastestream;

N = Total number of Regulated Wastestreams;

F_i = Average daily flow over at least thirty (30) days of the Regulated Wastestream to the extent that it is regulated for the pollutant;

F_t = The average daily flow over at least thirty (30) days from the following:

a) Boiler blowdown, non-contact cooling water, storm water, and demineralizer backwash, except that the Superintendent may exclude a stream listed if the User has requested the change in classification and provided data (engineering data, production data, monitoring results, or other information) demonstrating that the wastestream contains a significant amount of a pollutant and the combination of the wastestream before treatment with regulated streams will result in a substantial reduction of that pollutant;

- b) Domestic wastewater; or
- c) Regulated Wastestreams that the Superintendent exempts from Categorical Pretreatment Standards for one or more of the following reasons:

- 1) the pollutants of concern are not detectable in the effluent from the user;
- 2) the pollutants of concern are presently only in trace amounts and are neither causing nor likely to cause toxic effects;

3) the pollutants of concern are present in quantities too small to be effectively reduced by established treatment technologies; or

4) the wastestream contains only pollutants that are compatible with the sanitary sewer system.

8.13.3

When deriving alternative limits, the Superintendent may calculate both a daily maximum limit and a monthly average limit, where applicable in the Categorical Pretreatment Standard.

8.13.4

The User shall comply with the alternative limits until the Superintendent modifies the limits.

8.13.5

The User shall immediately report to the Superintendent any significant changes in the values used to calculate the alternative limits. Necessary changes to the alternative limits will be made within thirty (30) days after such changes are reported.

8.13.6

The Superintendent may impose alternative discharge limits determined by best professional judgment when it is determined that the calculation of the alternative discharge limits according to this section is not practicable.

8.13.7

When necessary to ensure that neither dilution nor mixing is used instead of treatment to achieve compliance with the applicable limits, the Superintendent may require segregated treatment of wastestreams or other measures.

8.14 *Upset Provision*

8.14.1

An affirmative defense of Upset may be available to an Industrial User in an enforcement proceeding seeking injunctive relief or penalties. In any such enforcement proceeding, the Industrial User seeking to establish the occurrence of an Upset shall have the burden of proof.

An Industrial User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

- a) An Upset occurred and the Industrial User can identify the specific cause(s) of the Upset;
 - b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;
 - c) The Industrial User has submitted to the Superintendent the information required in subsections 8.12 and 8.12.1 above.
-

d) The Industrial User complied with any reasonable remedial measures to minimize or prevent any discharge or sludge use or disposal in violation of this chapter which has a reasonable likelihood of adversely affecting human health or the environment.

e) The Upset did not create a fire or explosion hazard in the POTW, cause corrosive structural damage to the POTW, or result in the presence of toxic vapors, gases, or fumes within the POTW in a quantity that may cause worker health or safety problems.

Any Upset defense is available only for violations of categorical pretreatment standards or technology-based permit effluent limitations.

8.15

No statement contained in this section shall be construed as preventing any special agreement or arrangement between the District and any person, firm or corporation whereby waste of unusual strength or character may be accepted by the Superintendent, subject to payment therefore by the person, firm or corporation, provided such waste will not damage the sanitary sewer or storm sewer or sewage treatment plant or the receiving waters.

Sec.9.0 *Private Sewage Disposal*

9.1

Where a Public Sewer is not available under the provisions of Section 4.2, the Building Sewer shall be connected to a private sewage disposal system approved by the White County Board of Health.

9.2

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the District.

9.3

At such time as a Public Sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the public sewer in compliance with this Ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned in a manner defined by state law. For purposes of this subsection the term "available" shall mean the same as "available" as defined in Section 4.2 of this Ordinance.

9.4

No statement contained in this section shall be construed to interfere with additional requirements that may be imposed by any other agency having legal jurisdiction.

Sec.10.0 Records Retention

All non-Residential Users subject to this Ordinance shall retain and preserve for no less than three (3) years, all documents (including records, books, memoranda, reports, correspondence, and any and all summaries thereto) relating to monitoring, sampling and chemical analysis made by or in behalf of the User in connection with its discharge. All documents which pertain to matters which are the subject of any enforcement activities of the District shall be retained and preserved by the User until all corresponding activities have concluded and all associated appeal periods have expired.

Sec.11.0 *Protection from Damage*

No person without authorization shall enter or maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District sewage works.

Sec.12.0 Disposal of Individual Sewage System or Other Waste at Wastewater Treatment Plant

12.1

Waste from individual sewage systems or other waste may be accepted with permission of the Superintendent at the POTW Treatment Plant. Except as otherwise provided, no waters or wastes, described in Section 8.1 of this Ordinance, shall be disposed of at the POTW Treatment Plant.

12.2

Rates for disposal at the POTW Treatment Plant shall be determined by the District and paid
-----at the time of acceptance.-----

Sec.13.0 *District Liability*

The District will not be responsible for interruptions of services due to disruption of electrical service, natural calamities, equipment failures, or actions of the system users. It shall be the responsibility of the User that all connected User equipment remain in good working order so as not to cause disruption of service of any sewer or treatment plant equipment.

Sec.14.0 *Violations/Enforcement/Penalties*

14.1 *Violations of Ordinance/Enforcement*

14.1.1

If any person is found to be violating any provision of this Ordinance, the Superintendent shall serve said person a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof; the offender shall, within the time provided in said notice, permanently cease all violations. If any person violates any provision of this Ordinance or any Federal or State Pretreatment Requirements and fails to correct the ~~violation within the time provided in the foregoing notice; the District may commence an action~~ for appropriate legal and/or equitable relief in any Court in White County, Indiana. Provided, however, that actual receipt of the notice of violation shall not be a condition precedent to the filing of an enforcement action, and, if, in the opinion of the District Board, an emergency exists, the District may initiate such enforcement action without awaiting the expiration of the time limit provided by the Superintendent in the aforementioned notice of violation.

14.1.2

Notwithstanding anything herein to the contrary if in the Opinion of the Superintendent there is a clear and present danger to persons or property, including imminent damage to the POTW system, caused or about to be caused by a Sewer Connection, the Superintendent is authorized to take all steps necessary to immediately sever the Sewer Connection from the POTW system, notwithstanding any other provision of this Ordinance. The Superintendent shall state the reason in writing for the immediate severance of the sewer connection and deliver by personal service, if possible, and by mail to the User, the White County Department of Health, and the District Board, a copy of said statement. Such statement shall constitute a certification of a clear and present danger and/or imminent damage to the POTW system. If time and circumstances do not allow for the service of said notice, then the severance shall take place prior to or without such notice. The Superintendent's decision to immediately sever a sewer connection shall be effective until and unless restrained by order of the District Board or a Court of competent jurisdiction.

14.2 *Judicial/Administrative Penalties or Damages*

14.2.1 *Injunctive Relief*

a) A User who has violated or continues to violate any provision of this Ordinance, Industrial Waste Permit, or other Pretreatment Standard or Requirement will be liable to issuance of a preliminary injunction or a permanent injunction, or both, as may be appropriate. This relief will be sought to restrain or compel activities on the part of the affected User, including, but not limited to, compelling connection to a Public Sewer as required by Section 5.1 of this Ordinance.

b) A petition for injunctive relief shall in no way relieve the affected User of any and all other liability associated with the violation. A petition for injunctive relief will not be a bar against, or a prerequisite for, any other actions by the District against the affected User.

14.2.2 *Civil Penalties/Civil Infraction Fines*

A User who has violated or continues to violate any provision of this Ordinance, an Industrial Waste Permit, or other Pretreatment Standard or Requirement will be liable for a civil penalty not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) per violation. Each day during which the violation occurred or continues to occur shall be deemed a separate, distinct violation and, in the case of a violation of monthly or other long-term average discharge limits, the penalty may be assessed for each day during the period of the averaging. The Superintendent shall assess the civil penalty prescribed herein and submit same for payment together with the User's normal billing charges; the penalties will be collectible in the same manner as monthly sewer charges.

The Superintendent's assessment of a penalty shall be appealable to the District's Board pursuant to procedure established by the Board and to the Circuit Court of White County, Indiana, under the procedures established by the Indiana Administrative Adjudication Act. The District may seek enforcement of such penalties in the same manner as for all other charges.

14.2.3 *Damages*

In addition, any person who has violated or continues to violate any provision of this Ordinance, an Industrial Waste Permit, or other Pretreatment Standard or Requirement shall be liable to the District for the damages actually incurred by the District by reason of such violation, including, but not limited to:

(a) costs to clean the Public Sewer, the POTW Treatment Plant, or any other part of the POTW.

(b) costs to repair the Public Sewer, the POTW Treatment Plant, or any other part of the POTW.

14.2.4 *Costs and Expenses*

The affected User will also be liable for all costs incurred by the District for associated enforcement action such as reasonable attorney's fees, court costs, additional sampling and monitoring expenses, as well as costs of any environmental damage and any fines imposed upon the District for discharge permit violations that result in whole or in part from the User's violation and expenses associated with remediation of sites thereby contaminated.

14.2.5 *Remedies Cumulative and Not Exclusive*

No action by the District to obtain a specific remedy or relief described herein shall prevent the District or be a bar to the exercise of any other remedy or the seeking of any other remedy or relief provided herein. All rights, remedies, and relief afforded the District hereunder shall be cumulative.

Sec. 15.0 *Right to Inspect.*

Whenever required to carry out the objectives of this Ordinance, the Superintendent or his/her authorized representative, upon presentation of his/her credentials, shall have a right of entry to, upon or through any premises for purposes of reviewing relevant records or inspecting, measuring and sampling of the discharges. This right of entry shall include, but not be limited to, any equipment necessary to conduct such inspections, measuring and sampling. It shall be the duty of the Owner to provide all necessary clearance before entry and not to unnecessarily delay or hinder the Superintendent in carrying out the review of relevant records, inspections, measuring and sampling. The right of entry shall exist at any time. While conducting such an inspection, the Superintendent or his/her authorized representative shall observe all safety rules applicable to the premises established by the Owner.

Sec.16.0 *Validity, Severability, Conflict, Gender*

16.1

The provisions of this Ordinance are severable, and if any of the provisions, words, phrases, clauses or terms, or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, illegal, or unconstitutional by any court of competent jurisdiction, such decision or findings shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or term, and they shall continue in full force and effect.

16.2

All laws and parts of laws, all rules and regulations, codes and regulations which are inconsistent with or in conflict with or repugnant to any provisions of this Ordinance, shall be deemed not to apply; provided that nothing herein contained shall be construed to prevent the adoption and enforcement of a law, regulation, code or regulation which is more restrictive or establishes a higher standard than those provided in this Ordinance.

16.3

As used herein a masculine pronoun shall include the feminine, a feminine pronoun shall include the masculine and both shall include the plural and both shall also include, where appropriate, reference to any Person as defined in this Ordinance.

Sec.17.0 *Rates and Charges for District Services*

17.1 All rates and charges shall be in accordance with the Rate Ordinance adopted by the District.

Section 17.1.1 adopted 8-12-04 see following page

17.2 *Damage to Grinder Pumps and Other Portions of Public Sewer*

The grinder pumps and other portions of the Public Sewer provided by the District to, or for the use of, each property shall be used by the Owner of the property in accordance with the rules and regulations of the District. If damage is caused to the pump by reason of the use of the pump in a manner contrary to the rules and regulations issued by the District, the owner shall be charged the cost of repair, replacement and/or damage to the pump and shall be liable to the District for the repayment of such costs. Such charges shall be collectible by the District as damages in the same manner as provided in Section 14.2.3 of this Ordinance.

TWIN LAKES REGIONAL SEWER DISTRICT
ORDINANCE NO. 2004-06

AMENDMENT TO SEWER USE
(ORDINANCE NO. 99-01)

An Ordinance amending Section 17.0 of the Sewer Use Ordinance (Ordinance No. 99-01), by adding Subsection 17.1.1 establishing the responsibility of the owner of property served by the sewage works to notify the District's Superintendent of any change in the property being provided sewer service.

THE TWIN LAKES REGIONAL SEWER DISTRICT, WHITE COUNTY, STATE
OF INDIANA ORDAINS:

Section 17.0 of the Sewer Use Ordinance (Ordinance No. 99-01) adopted and enacted on the 10th day of March, 1999, is hereby amended by adding Subsection 17.1.1 which shall read as follows:

17.1.1 *Duty of Owner(s) to Notify District of Changes*

It shall be the duty of the owner(s) of any property being provided sewer service promptly to notify the District's Superintendent of any change(s) or modification(s) to the property, which could result in a change to the sewer charges being assessed. Any property owner(s) who fail(s), refuse(s), or neglect(s) to notify the District's Superintendent of the change(s) or modification(s) to the property shall be deemed to be in violation of this Ordinance, shall be responsible for any increased charges which should have been billed by reason of such change(s) or modification(s) under the applicable Rate Ordinance, and shall also be subject to the penalties described in Section 14 for violations of this Ordinance.

This Ordinance shall take effect upon its passage.

ALL OF WHICH IS DULY ORDAINED ON THIS 12th DAY OF
August, 2004.

Reginald L. Spivey

[Signature]

Charles P. [Signature]

[Signature]

Boyd Claggett

(24)

ATTEST:

[Signature]
James E. Smith, Secretary

Sec.18.0 *Amendments to this Ordinance*

This Ordinance is adopted by the Board of Trustees of the Twin Lakes Regional Sewer District. It may be amended by the District at anytime in accordance with State law.

Sec.19.0 *Repeal of Ordinance*

19.1 All other Ordinances of the District inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

19.2 The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation or prosecution of any right established, occurring prior to the effective date hereof.

Sec.20.0 Appeal Process

An appeal procedure is hereby established whereby a User shall have the right to appeal a decision of any authorized representative of the District relative to the sewage system. Said appeal may be made to the Board of Trustees of the District, and any decision concerning the sewage system made by the Board of Trustees may be appealed to the Circuit Court of White County, Indiana under the appeal procedure provided for in the Indiana Administrative Adjudication Act.

Sec.21.0 *Effective Date*

This Ordinance shall take effect forty-five (45) days after its passage.
