

**CITY OF TIPTON
SEWER USE ORDINANCE**

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ORDINANCE NO.

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Tipton and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;**
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;**
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;**
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;**
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and**
- F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.**

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel.

1.3 Abbreviations

The following abbreviations, when used in this ordinance, shall have the designated meanings:

ASTM	-	American Society For Testing Materials.
BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
ISBH	-	Indiana State Board of Health.
IWEA	-	Indiana Wastewater Environmental Association
L	-	Liter
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
O&M	-	Operation and Maintenance.
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
SWDA	-	Solid Waste Disposal Act. 42 U.S.C. 6901, et. seq.
TSS	-	Total Suspended Solids
USB	-	Utility Service Board.
U.S.C.	-	United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

- A. **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.*
- B. **Approval Authority** - The Approval Authority shall mean the Regional Administrator of the US EPA
- C. **Authorized Representative of the User**
 - (1) **If the user is a corporation:**
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) **If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.**
 - (3) **If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.**
 - (4) **The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.**
- D. **Board or Utility Service Board** – The Utility Service Board of the City of Tipton
- E. **Biochemical Oxygen Demand or BOD** - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

- F. **Building (or House) Drain** - The lowest horizontal piping of building drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.
- G. **Building (or House) Lateral Sewer** - The extension from the building drain to the sewerage system or other place of disposal.
- H. **Categorical Pretreatment Standard or Categorical Standard** - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- I. **City** - The City of Tipton or the City Council of Tipton.
- J. **Compatible Pollutants** - Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the City's National Pollutant Discharge Elimination Systems (NPDES) permit, if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a "substantial degree". The term "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial.

Examples of the additional pollutants which may be compatible include:

- 1) Chemical oxygen demand
- 2) total organic carbon
- 3) phosphorous and phosphorous compounds
- 4) nitrogen and nitrogen compounds
- 5) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

- K. **Composite Sample** - A composite sample should contain a minimum of eight discrete samples taken at equal time intervals or volume of flow proportional to the flow rate over the composting period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.
- L. **Daily Discharge** - Discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling.
- M. **Domestic Sewage** - Wastewater from typical residential Users and having pollutant characteristics as defined in the sewer rate ordinance.

- N. **Easement** - An acquired legal right of the specific use of land owned by others.
- O. **Effluent** - Water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.
- P. **Environmental Protection Agency or EPA** - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- Q. **Existing Source** - Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- R. **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.
- S. **Floatable Oil** - Oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in an approved pretreatment facility.
- T. **Garbage** - Solid waste from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- U. **Grab Sample** - A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- V. **Grease and Oil** - A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of the determination in accordance with "Standard Methods".
- (1) **Grease and Oil of Animal and Vegetable Origin** - Substances of biodegradable nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.
 - (2) **Grease and Oil of Mineral Origin** - Substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.
- W. **Holding Tank Waste** - Any waste from holding tanks, such as campers, trailers, septic tanks, vacuum pump trucks and the like.

- X. **IDEM** - The Indiana Department of Environmental Management.
- Y. **Indirect Discharge or Discharge** - The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.
- Z. **Industrial Wastes** - Any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial User.
- AA. **Infiltration** - The water entering the 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.
- BB. **Inflow** - The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundations drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm sewers, surface run-off, street wash waters or drainage.
- CC. **Influent** - The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
- DD. **Inspector** - A person authorized by the City.
- EE. **Instantaneous Maximum Allowable Discharge Limit** - The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- FF. **Interference**. A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:
- (1) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
 - (2) Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
 - (3) Prevents the use of POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:
 - a. Section 405 of the Clean Water Act (33 U.S.C. 1345).

- b. **The Solid Waste Disposal Act (SWDA) 42 U.S.C. 6901), including:**
 - i. **Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and**
 - ii. **The rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).**
- c. **The Clean Air Act (42 U.S.C. 7401).**
- d. **The Toxic Substances Control Act (15 U.S.C. 2601)**

GG. Medical Waste - Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

HH. Natural Outlet - Any outlet into a watercourse, pond, lake or other body of surface or ground water.

II. New Source

- (1) **Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:**
 - (a) **The building, structure, facility, or installation is constructed at a site at which no other source is located; or**
 - (b) **The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or**
 - (c) **The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.**
- (2) **Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.**

- (3) **Construction of a new source as defined under this paragraph has commenced if the owner or operator has:**
- (a) **Begun, or caused to begin, as part of a continuous onsite construction program**
 - (i) **any placement, assembly, or installation of facilities or equipment; or**
 - (ii) **significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or**
 - (b) **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. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.**

JJ. Noncontact Cooling Water - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

KK. NPDES Permit - A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to navigable waters of the United States. For Purposes of this ordinance, NPDES permit IN0021474.

LL. Nuisance - Anything which is injurious to health or offensive to the senses or an obstruction of the free use of property so as to interfere with the comfort or enjoyment of life or property.

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

NN. Person - Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

- PP. Pollution** - An alteration of the quality of the waters of the State by waste to a degree which unreasonably affects such waters for beneficial uses or facilities which serve such beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- QQ. Pollutant** - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- RR. Premises** - A parcel of real estate including any single improvement there on which is determined by the Board to be a single User for purposes of receiving, using and payment for service.
- SS. Pretreatment** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- TT. Pretreatment Requirements** - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- UU. Pretreatment Standards or Standards** - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- VV. Prohibited Discharge Standards or Prohibited Discharges** - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this ordinance.
- WW. Proper Operation and Maintenance (O&M)** - Procedures executed in a prudent, cost-effective and workmanlike manner which achieve the highest and/or required effluent quality of industrial discharge attainable in conformance with the best available technology and practices. Proper operation and maintenance requirements include avoidance of operational error, adherence to manual instructions, preventive maintenance, avoidance of careless or improper operation, neat accurate sampling, analysis and records retention, storage of process chemicals, lubricants, solvents, etc., in a safe and organized manner, avoidance of accidental spillage, keeping operating logs and other activities which produce the desired effluent quality.
- XX. Publicly Owned Treatment Works or POTW** - A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City. This definition

includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

YY. Receiving Stream - The watercourse, stream or body of water receiving the waters finally discharged from the wastewater treatment plant.

ZZ. Septic Tank Waste - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

AAA. Sewage - Human excrement and gray water (household showers, dishwashing operations, etc.).

BBB. Sewer - A pipe or conduit laid for carrying wastewater or other liquids.

(1) **Combined Sewer** - A sewer which carries both storm, surface, ground water runoff and wastewater.

(2) **Public Sewer** - A sewer in which all owners of abutting property have equal rights and which is controlled by public authority, including the following elements:

(3) **Collection Sewer** - A sewer whose primary purpose is to collect wastewaters from individual point source discharges.

(4) **Interceptor sewer** - a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

(5) **Force Main** - A pipe in which wastewater is carried under pressure.

(6) **Pumping station** - A station positioned in the public sewerage system at which wastewater is pumped to higher level.

(7) **Sanitary Sewer** - A sewer which carries wastewater and to which storm, surface and ground waters and unpolluted industrial wastewater are not intentionally admitted.

(8) **Storm Sewer** - A sewer which carries storm, surface and ground water drainage but excludes wastewater.

CCC. Significant Industrial User

(1) A user subject to categorical pretreatment standards; or

- (2) A user that:
- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

DDD. Sludge - Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Section 402, 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act PL 94-580.

EEE. Slug Load or Slug - Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance.

FFF. Standard Industrial Classification (SIC) Code - A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

GGG. Standard Methods - Shall mean the laboratory procedures set forth in the edition of "Standard Methods for the Examination of Water and Wastewater" specified in the City's NPDES Permit and prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

HHH. Storm Water - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

- III. **Superintendent** - The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- JJJ. **Suspended Solids** - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- KKK. **Surcharge** - A charge for services in addition to the basic service charge.
- LLL. **Total Solids** - The sum of suspended and dissolved solids.
- MMM. **Unpolluted Water** - Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to sanitary sewers and wastewater treatment facilities provided.
- NNN. **User or Industrial User** - A source of indirect discharge.
- OOO. **Wastewater** - Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- PPP. **Wastewater Treatment Plant or Treatment Plant** - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- QQQ. **Waters of the State** - Any water, surface or underground, within the boundaries of Indiana, except confined waters in sewers, tanks and the like.

NOTE - The use of the word “**shall**” indicates a mandatory condition. The use of the word “**may**” indicated a discretionary condition.

1.5 **GENERAL PROVISIONS**

- A. **Requirements for Connecting to Public Sewers.** No owner or occupant of any

real property shall tap or drain either directly or indirectly into any public sewer until giving ten (10) business days prior notification to the Sewer Collection Superintendent and obtaining approval from the Sewer Collection Superintendent.

The Utility Service Board or its agent shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary or combined sewer any downspouts, sump-pumps, basement subsurface drains, cistern over-flows, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty (30) days after notice to comply with any such requirements. The Utility Service Board shall not authorize any sewer tap which will cause excess flow, BOD and/or suspended solid loading of the wastewater treatment plant, force mains, lift stations or sewers.

B. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system, by or from properties located outside such limits shall be prohibited, except upon prior recommendation by the Utility Service Board and approval by the City of Tipton.

C. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph B, the Utility Service Board shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph A.

D. Capping of Utility Services After Demolition. A deposit, as stated in the sewer rate ordinance, is required for any demolition of any structure that receives any utility service from the City of Tipton. This deposit is refundable to the demolition contractor upon inspection and approval by a utility department head. This deposit may be waived by the Board if not applicable to the structure. The deposit is to be collected when receiving the City's demolition permit.

Should a contractor demolish a structure without the proper permit, the Tipton Utilities reserves the right to properly close or tap any open utility service on the property of the demolished structure at the demolition contractor's expense.

E. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of this Ordinance shall be served by the Board with a written notice stating the nature of the violation and providing a reasonable time

limit for its satisfactory correction as discussed in Section 10 and 11 of this ordinance. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Any person who shall continue any violation beyond the stated time limit shall be subject to a fine in an amount no more than Two Thousand Five Hundred Dollars (\$2500.00). Each day in which any such violation shall continue shall be deemed a separate offense. Any person violating any provision of this ordinance shall be liable to the City for expense, loss or damage incurred by the City by reason of such violation.

- F. The Board shall prohibit any new connection from inflow sources into the sanitary sewer portions of the sewerage system and shall assure that policies are established such that new sewers and connections to the sanitary sewers are properly designed and connected.
- G. The Board shall not approve any new connection into the sanitary sewers which will cause overloading.
- H. The terms of this Ordinance shall apply to the entire service area from which sewage is received and treated at the wastewater treatment plant, both inside and outside of the City's corporation limits.
- I. Any person who makes, or causes to be made, an excavation for the installation, replacement or repair of any sewer within the public right-of-way, which excavation exceeds five (5) feet in depth, shall use a safety trench box or similar device as required by OSHA for the protection of employees, workers and the general public from the hazards of cave-ins.
- J Construction of any new combined sewers are prohibited.

1.6 DISCHARGE TO PUBLIC SEWERS

- A. The owner of any house, building or property used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right-of -way in which there is now located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper 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 tap is available at the property line or is within one-hundred (100) feet of the property line.
- B. No person shall discharge or cause to be discharged to any sanitary sewer, whether directly or indirectly, storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted

industrial process water. The Board may require the removal of unpolluted water from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all Users of those facilities.

- C. Stormwater, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the City. No new connection shall be made unless there is capacity available to all downstream storm sewers.
- D. No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- E. It shall be unlawful to discharge to any natural outlet within the City of Tipton, or in any area under the jurisdiction of the Board, sewage or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit.
- F. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.
- G. It is unlawful for the owner, tenant, occupant, or any person in a building or place where cooking is done, to discharge any grease into the city sewer system. Any non-residential facility shall install a grease trap interceptor and shall provide the city with proof of proper cleaning and disposal of said interceptor upon request. Grease-trap interceptors are not required for private living quarters or residential dwellings.

1.7 PRIVATE DISPOSAL AND SEWER SYSTEMS

- A. Where a public sanitary sewer is not available within the City of Tipton the building sewer shall be connected to a private sewage disposal system complying with the provisions of the Tipton County Health Department.
- B. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the City which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee per the sewer rate ordinance shall be paid to the City at the time the application is filed.

- C. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.**
- D. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.**
- E. For persons located within the municipal boundaries of the City of Tipton, at such time as a public sewer becomes available to a property served by a private sewage disposal system by reason of a sanitary sewer line being brought to within 100 feet of the property line of that person, a direct connection shall be made to the public sewer in compliance with this ordinance and in accordance with the rules and regulations of the Board and any septic tanks, cesspools, and similar private disposal facilities shall be abandoned and filled with a suitable sand and gravel mixture.**
- F. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the City.**
- G. Upon oral or written notification the City or (its Agents) reserves the right to enter upon private property to inspect and or perform any test it deems necessary for the elimination of any direct or indirect inflow. Any cost associated with the inspection and testing shall be borne by the City. All cost and expenses of repairs that need to be performed shall be borne by the owner.**
- H. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the City or the health officer.**

1.8 BUILDING SEWERS

- A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.**
- B. There shall be two (2) classes of building sewer permits:
 - (1) for residential and commercial service, and****

- (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee in accordance with the sewer rate ordinance for a residential, commercial, and industrial building shall be paid to the City at the time the application is filed.
- C. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- E. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- F. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions, or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W. P.C.F. manual of Practice No. 9 shall apply.
- G. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. A cleanout shall be installed no farther than three (3) feet from the foundation. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment in so far as possible.
- H. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- I. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and

- regulations of the City or the procedures set forth in appropriate specifications of the A.S.T. M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- J. The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.
 - K. 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 in a manner satisfactory to the said City.
 - L. All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Supervisor of Sewer Maintenance. Pipe laying and backfill shall be performed after the inspection and approval of the Sewer Collection Superintendent. No backfill shall be placed without prior approval, until the work has been inspected.
 - M. The owner of any building or other real estate which has a sewer, sometimes referred to herein as a “building sewer”, connected now or in the future to a public sewer shall be responsible for the maintenance, repair, replacement and the cleaning of the part of said building sewer which runs on or under his said real estate to the City sewer.
 - N. Construction of new combined sewers is prohibited. For new sewers, the construction of any storm sewer shall be separate and distinct from any sanitary or combined sewers.
 - O. In the instance of new construction in an area served by an existing combined sewer, no persons shall make connection of roof downspouts, exterior foundation drains, area-way drains or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public combined sewer.

1.9 PROVISIONS FOR STORM WATER AND DRAINAGE

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by

the City. Industrial cooling water or unpolluted process waters may be discharged, on approval of the City, to a storm sewer or natural outlet.

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- A. **General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- B. **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
 - (2) Wastewater having a pH less than 5.5 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference;
 - (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
 - (5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
 - (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 3.4 of this ordinance;

- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;**
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;**
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;**
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;**
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;**
- (14) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;**
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;**
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;**
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l; and**

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 Local Limits

The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits:

<u>Pollutant</u>	<u>mg/l</u>
Ammonia	20.0
Arsenic	0.17
CBOD	1000
Cadmium	0.09
Chromium (Total)	1.72
Copper	0.51
Cyanide (Total)	0.02
Lead	0.39
Nickel	2.00
Oil and Grease	100
Silver	0.26
TSS	1000
Zinc	1.13
Mercury	0.0003
Molybdenum	0.21
Selenium	0.27

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above. The Superintendent may also impose limits on parameters not listed above to protect the POTW. Lastly, the Superintendent may impose surcharges on conventional pollutant in accordance with the sewer rate ordinance.

2.3 City's Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.4 Dilution

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

2.5 Special Arrangement Between the City of Tipton and An Industrial User

Special agreements or arrangements between the City and an industrial user are specifically authorized through this ordinance. However, no special agreement or arrangement shall allow any industrial user to discharge metals in excess of the maximum allowable headworks loading (MAHL) of the POTW or conventional pollutants, which will exceed the POTW's designed capacity.¹

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

3.2 Additional Pretreatment Measures

- A. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other**

1 Section 2.5 was adopted and approved by the City Council of Tipton on April 25, 2005 by Ordinance 2005-06. The Utility Board of the City of Tipton recommended the ordinance change to the City Council on April 18, 2005 by Resolution 2005-05.

conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

- B. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.**
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. The user shall maintain records of cleaning and maintenance of the interceptor on site for a minimum of three years. These records may be reviewed by the Superintendent during routine inspections.**
- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.**
- E. Whenever deemed necessary, the Superintendent may require users to install at its own expense (a) a suitable control manhole (vault), together with such necessary appurtenances in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater, and (b) such sampling devices as may be reasonably necessary, unless otherwise instructed by the Superintendent. A user may be required by the Superintendent to install such manholes (vaults) to verify his status either as a major contributor or otherwise. Such manholes (vaults) and sampling and testing devices shall be provided and maintained to the Superintendent's satisfaction at the expense of the user, but shall be under the control of the POTW.**

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;**
- B. Description of stored chemicals;**
- C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 6 of this ordinance; and**

- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.**

3.4 Hauled Wastewater

- A. Septic tank waste may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by the City. The Superintendent may require septic tank waste haulers to complete a discharge application and/or obtain a wastewater discharge permit.**

Applications to the Superintendent and approval must be secured prior to any actual dumping along with payment of dump fees in accordance with the Sewer Rate Ordinance. A listing of all wastes and source information must be submitted with each application on a form provided by the WWTP.

- B. If the Superintendent allows industrial or commercial wastes to be discharged, haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.**

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within ten (10) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Indiana Department of Environmental Management.**
- B. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance.**
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 and 11 of this ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.**

4.3 Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ten (10) days after said date, apply to IDEM for a wastewater discharge permit.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must apply for such permit from IDEM prior to the beginning or recommencing of such discharge. The user must also have prior approval from the Superintendent before discharging to the POTW.

SECTION 5 – CONTRIBUTING JURISDICTIONS

5.1 Regulation of Waste Received from Other Jurisdictions

- A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Board shall enter into an intermunicipal agreement with the contributing municipality.**
- B. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;****

- (2) **An inventory of all users located within the contributing municipality that are discharging to the POTW; and**
 - (3) **Such other information as the Superintendent may deem necessary.**
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:**
- (1) **A requirement for the contributing municipality to adopt a sewer use ordinance, which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 2 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;**
 - (2) **A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;**
 - (3) **A provision specifying which pretreatment implementation activities, including inspections, sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;**
 - (4) **A requirement for the contributing municipality to provide the Superintendent with access to all information that the contributing municipality obtains as part of its pretreatment activities;**
 - (5) **Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;**
 - (6) **Requirements for monitoring the contributing municipality's discharge;**
 - (7) **A provision ensuring the Superintendent access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and**
 - (8) **A provision specifying remedies available for breach of the terms of the intermunicipal agreement.**

SECTION 6 - REPORTING REQUIREMENTS

6.1 Compliance Schedule Progress Reports

The following conditions shall apply to a compliance schedule. The completion date in this schedule shall not be later than the compliance date established for the applicable

pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in this Section.

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);**
- B. No increment referred to above shall exceed nine (9) months;**
- C. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and**
- D. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent.**

6.2 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in 40 CFR 403.12(b). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified by an authorized representative.

6.3 Periodic Compliance Reports

- A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All compliance reports must be signed and certified by an authorized representative.**

- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.**
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the results of this monitoring shall be included in the report.**

6.4 Reports of Changed Conditions

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

- A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application to both the City and IDEM.**
- B. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.**

6.5 Reports of Potential Problems

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.**
- B. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.**
- C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who**

may cause such a discharge to occur, are advised of the emergency notification procedure.

6.6 Reports from Unpermitted Users

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

6.7 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

6.8 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

Alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the user provided that they meet federal requirements as set forth in 40 CFR 136. The POTW shall charge to the user the cost of the standard initial analyses of the user's wastes as well as other non-standard tests as required by the user's specific process waste loading. Regular periodic check analysis and analysis made by the Superintendent at the request of the user shall be charged to the user according to the standard work order billing practice. All such analyses shall be binding in determining strength of wastes surcharges and other matter dependent upon the character and concentration of wastes.

6.9 Sample Collection

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being**

discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.**
- C. In the event a user requests to split samples, the City will allow such request under the following conditions.**
 - (1) All sampling analysis is done in accordance with Sections 6.8 and 6.9 above.**
 - (2) If any of the sampling data indicates any violation of this ordinance, the City reserves the right to enforce the violation in accordance with the conditions set forth in this ordinance.**

6.10 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.11 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Superintendent.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

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

While performing necessary work on private properties, the Superintendent or duly authorized employee of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions on the premises.

- A. Where a user has security measures in force, which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, The Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.
- E. The Superintendent and/or other duly authorized employees of the Sewage Works bearing proper credentials and identification shall be permitted to enter all private properties of User which discharges to the POTW for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewerage works.
- F. Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this ordinance.

7.2 Search Warrants

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

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent may publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six- (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;**
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-)month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);**
- C. Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;**
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;**

- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater 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, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;**
- G. Failure to accurately report noncompliance; or**
- H. Any other violation(s) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.**

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Compliance Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

10.5 Cease and Desist Orders

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and**
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.**

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

10.6 Administrative Fines

- A. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$2,500. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.**
- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.**
- C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.**
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.**

10.7 Emergency Suspensions

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

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user.**

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.**

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

10.8 Termination of Discharge

In addition to the provisions in this ordinance, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;**
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;**
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;**
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or**
- E. Violation of the pretreatment standards in Section 2 of this ordinance.**

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

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

11.2 Civil Penalties

- A. A user who has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.**
- B. The Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.**
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.**
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.**

11.4 Remedies Nonexclusive

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

SECTION 12 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

12.1 Upset

- A. For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.**
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.**
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:**
 - (1) An upset occurred and the user can identify the cause(s) of the upset;**
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and**
 - (3) The user has submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):**
 - (a) A description of the indirect discharge and cause of noncompliance;**
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and**
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.**
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.**
- E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.**

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

12.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific prohibitions in Sections 2.1(B)(3) through (18) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or**
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.**

12.3 Bypass

- A. For the purposes of this section,**
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.**
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.**
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.**
- C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten (10) days before the date of the bypass, if possible.**

- (2) A user shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D. (1) Bypass is prohibited, and the Superintendent may take an enforcement action against a user for a bypass, unless
- (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

SECTION 13 - MISCELLANEOUS PROVISIONS

13.1 Pretreatment Charges and Fees

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

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

- C. Fees for reviewing and responding to accidental discharge procedures and construction;**
- D. Fees for filing appeals; and**
- E. All other fees associated with carrying out the requirements of the City's NPDES permit.**

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

13.2 Severability

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

SECTION 14 - EFFECTIVE DATE

This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

