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2 **BILL NO. G-12-02-02 (AS AMENDED)**

3 **GENERAL ORDINANCE NO.** 6-12

4 **AN ODINANCE REPEALING AND REPLACING**
5 **CHAPTER 51 OF**
6 **THE CITY OF FORT WAYNE CODE OF ORDINANCES**

7 **WHEREAS**, the City of Fort Wayne (Control Authority) is required to
8 operate its approved industrial pretreatment program in accordance with its Indiana
9 Department of Environmental Management (IDEM) issued National Pollutant
10 Discharge Elimination System (NPDES) Permit for its Water Pollution Control
11 Plant; and,

12 **WHEREAS**, the United States Environmental Protection Agency (EPA)
13 published in the Federal Register final changes to its General Pretreatment
14 Regulation on October 14, 2005; and,

15 **WHEREAS**, the EPA and the IDEM have mandated that the Control
16 Authority complete required changes and implementation in accordance with EPA
17 Pretreatment Streamlining Rule, and;

18 **WHEREAS**, the Control Authority is required to develop, enforce and
19 maintain adequate legal authority in its Sewer Use Ordinance (SUO) to fully
20 implement the pretreatment program in compliance with State and local law. As part
21 of this requirement, the CA shall develop and maintain local limits as necessary to
22 implement the prohibitions and standards in 327 IAC 5-18; and,

23 **WHEREAS**, the Control Authority is required, within six months after the
24 effective date of its NPDES Permit, to submit to the EPA Region 5 and the IDEM
25 pretreatment group, a program modification request to incorporate the pretreatment
26 streamlining revision in 327 IAC 5-16 through 327 IAC 5-21 of Indiana
27 Administrative Code, which became effective on May 3, 2009, and;

- 51.037 Control manholes
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- 51.039 Inspections; waste sampling
- 51.040 Waste analysis procedures and charges
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9 51.091 Liability for payment; examination of utility records
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14 51.096 Delinquent accounts; penalties
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23 51.999 Penalty for violation
24

25 ***Editor's note:*** Ord. G-17-91 and amending Ord. G-25-91 and Ord. G-35-92 made substantive changes to the
26 sections of this chapter where they are recorded in the section history. These ordinances are not included in the
27 section history where the section was only renumbered using the enumeration of the 1974 Code, which is obsolete
28 in this edition of the code of ordinances.

GENERAL PROVISIONS

§ 51.001 DEFINITIONS.

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this chapter and as used in the Rules and Regulations adopted by the Board of Public Works implementing the provisions of this chapter for the Fort Wayne sewerage system are as set out below respectively:

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

APPLICABLE PRETREATMENT STANDARDS. Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in the ordinance and considered to be the more restrictive with which non-domestic users shall be required to comply.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

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

(2) If the User is a limited liability company: (a) The managing member, president or vice-president of the limited liability company.

(3) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(4) 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.

(5) The individuals described in paragraphs 1 through 4, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BEST MANAGEMENT PRACTICES (BMP's). as it pertains to Industrial Pretreatment. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40CFR403. BMP's include treatment requirements, operating procedures, and practices to control plant runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP's also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

1 **BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of dissolved oxygen, in
2 milligrams per liter, required during the stabilization of the decomposable organic matter by
3 aerobic biochemical action of sewage, sewage effluent, polluted waters or industrial wastes
4 under standard laboratory procedures for five days at 20° centigrade. The laboratory
5 determinations shall be made in accordance with procedures set forth in 40 CFR 136.

6 **BUILDING (OR HOUSE) DRAIN.** That part of the lowest piping of a drainage system
7 which receives the discharge from soil, waste and other drainage pipes inside the walls of
8 the building and conveys it to the building sewer.

9 (1) **COMBINED.** A building drain which conveys both sewage and storm water or
10 other drainage.

11 (2) **SANITARY.** A building drain which conveys sewage only.

12 (3) **STORM.** A building drain which conveys storm water or other drainage, but not
13 sewage.

14 **BUILDING (OR HOUSE) DRAIN CONNECTION.** The point where the building (or
15 house) sewer is connected to the building drain at a location approximately three feet
16 outside the foundation wall of the building.

17 **BUILDING (OR HOUSE) SEWER.** That part of the drainage system which extends from
18 the end of the building drain and conveys its discharge to a public sewer, private sewer,
19 individual sewage disposal system or other point of disposal.

20 (1) **COMBINED.** A building sewer which conveys both sewage and storm water or
21 other drainage.

22 (2) **SANITARY.** A building sewer which conveys sewage only.

23 (3) **STORM.** A building sewer which conveys storm water or other drainage, but not
24 sewage.

25 **BUILDING (OR HOUSE) SEWER CONNECTION.** The point where the building sewer is
26 connected to the public sewer. This connection to the public sewer may be accomplished
27 as follows:

28 (1) Where a tap-in connection is employed, the point of connection shall be where
29 the end of the building sewer meets the inside face of the sewage system and the tapping
30 "saddle and/or joint" shall be considered part of the building sewer.

 (2) Where fittings (T's or Y's) are employed the connection shall be where the end
of the first pipe meets the end of the fitting and the said T or Y fitting shall be considered a
part of the building sewer.

BULK WASTE. *Trucked or Hauled Wastewater delivered directly to the Water
Pollution Control Plant or Biosolids Handling Facility for disposal pursuant to prior written
approval.*

CAPITAL IMPROVEMENT SURCHARGE. The additional charges for sewage service
collected from users from any classification of users discharging sewage to the water
pollution control utility from a capital improvement surcharge area designated responsible to
contribute to the payment of costs associated with installation, adjustment or other
improvement to the water pollution control utility intended to serve the capital improvement
surcharge area.

1 **CAPITAL IMPROVEMENT SURCHARGE AREA.** An area, system or subsystem
2 designated by the Board of Public Works wherein a capital improvement surcharge may be
3 collected.

4 **CATEGORICAL INDUSTRIAL USER.** *An Industrial User subject to a categorical
5 Pretreatment Standard or categorical standard as defined below.*

6 **CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD.** Any
7 regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance
8 with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of
9 industrial users which appear in 40 CFR Chapter I, Subchapter N Part 405-471as revised.

10 **CFR.** The Code of Federal Regulation. When referenced in this Chapter, CFR shall
11 mean, unless otherwise specified, the version of the Code of Federal Regulations revised as
12 of July 1, 2010.

13 **CHEMICAL OXYGEN DEMAND (COD).** A measure of oxygen equivalent to that portion
14 of the organic matter in a sample of sewage, sewage effluent, polluted waters or industrial
15 wastes that is susceptible to oxidation by a strong chemical oxidant. The laboratory
16 determinations shall be made in accordance with procedures set forth in 40 CFR 136.

17 **CITY.** The City of Fort Wayne, Indiana.

18 **CLASSIFICATION OF USERS.**

19 (1) **RESIDENTIAL USERS.** Includes any user of the city's treatment works whose
20 lot, parcel or real estate or building is used for domestic dwelling purposes only.

21 (2) **COMMERCIAL USER.** Includes all retail stores, restaurants, office buildings,
22 laundries and other private business and service establishments, including those identified in
23 the Standard Industrial Classification Manual, 1972, Office of Management and Budget
24 Division I - Services.

25 (3) **INDUSTRIAL USER.** Includes any user of the city's treatment works which is
26 identified in the Standard Industrial Classification manual, 1972, Office of Management and
27 Budget, as amended and supplemented, under the following divisions; Division A-
28 Agriculture, Forestry and Fishing; Division B-Mining; Division D-Manufacturing; Division E-
29 Transportation, Communications, Electric, Gas and Sanitary. **INDUSTRIAL USERS** shall be
30 classified as follows:

(a) **NON-DISCHARGE USERS.** Includes all industries which discharge sanitary
sewage only, and industrial users whose discharge is limited to non-contact cooling water, or
boiler blowdown water.

(b) **NON-MAJOR INDUSTRIAL USER.** Includes all industries which discharge
process water but do not meet the criteria of **SIGNIFICANT INDUSTRIAL USERS.**

(c) **SIGNIFICANT INDUSTRIAL USERS (SIU).** Except as provided in paragraphs
(3) and (4) of this Section, a Significant Industrial User is:

(1) *An Industrial User subject to categorical Pretreatment Standards; or*

(2) *An Industrial User that:*

1 (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process
2 wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown
3 wastewater);

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

6 (c) Is designated as such by the City on the basis that it has a reasonable potential
7 for adversely affecting the POTW's operation or for violating any Pretreatment Standard or
8 Requirement.

9 (3) The City may determine that an Industrial User subject to categorical
10 Pretreatment Standards is a Non-Significant Industrial User rather than a Significant
11 Industrial User on a finding that the Industrial User never discharges more than 100 gallons
12 per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and
13 boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and
14 the following conditions are met:

15 (a) The Industrial User, prior to the City's finding, has consistently complied with all
16 applicable categorical Pretreatment Standards and Requirements;

17 (b) The Industrial User annually submits the certification statement required at 40
18 CFR 403.12(q), together with any additional information necessary to support the
19 certification statement; and

20 (c) The industrial User never discharges any untreated concentrated wastewater.

21 (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has
22 no reasonable potential for adversely affecting the POTW's operation or for violating any
23 Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in
24 response to a petition received from an Industrial User, and in accordance with procedures
25 in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant
26 Industrial User.

27 (4) **INSTITUTIONAL USER.** Includes social, charitable, religious and educational
28 activities such as schools, churches, hospitals, nursing homes, penal institutions and similar
29 institutional users.

30 (5) **GOVERNMENTAL USER.** Includes legislative, judicial, administrative and
regulatory activities of federal, state and local governments.

COMPLIANCE SAMPLE. A sample taken of a user's effluent approximately 30 days
after a violation of this chapter, the user's permit or the federal pretreatment standards and
regulations has been discovered or reported. The user shall be billed for any compliance
sample taken.

COMPOSITE SAMPLE. The sample resulting from the combination of discrete
wastewater samples taken at selected intervals while the discharge rate is at or above
normal based on an increment of either flow or time. Time intervals between discrete
samples not to exceed two hours. The total duration of collection shall not exceed 24 hours.
CONTROL AUTHORITY as it pertains to Industrial Pretreatment. The City of Fort
Wayne, Indiana.

DAILY MAXIMUM. The arithmetic average of all effluent samples for a pollutant
collected during a representative 24 hour period.

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DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant during a representative 24 hour period. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the representative 24 hour period. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken during the representative 24 hour period.

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DWELLING. A building, or portion thereof, under one roof used primarily as the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.

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EFFLUENT. The water, together with any wastes that may be present, flowing out of a drain, sewer receptacle or outlet.

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EMERGENCY. An unforeseen circumstance or combination of circumstances that may cause an eminent endangerment to the health and/or welfare of persons, the environment, or which may interfere with the operation of the sewer collection system or the Water Pollution Control Plant.

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EQUIVALENT RESIDENTIAL UNIT (ERU). A unit of measurement representing the average daily sewage flow of a single-family dwelling as established by the Indiana Department of Environmental Management. Land use other than single-family dwellings shall be determined in terms of ERUs by using standards adopted by the Board of Public Works.

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FOLLOW-UP SAMPLE. A sample taken of a user's effluent at the city's discretion from a user receiving scheduled sampling, at times other than those regularly scheduled. A follow-up sample shall be done at no cost to the user.

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

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GRAB SAMPLE. An individual discrete effluent sample collected without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

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

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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.

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INDUSTRIAL WASTES. Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escape, or transported from an industrial, manufacturing, commercial or business operation or process or from the development, recovery or processing of any natural resource carried on by any person.

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INFLUENT. The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.

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INSTANTANEOUS 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.

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INTERFERENCE "Interference" means 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 the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent 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).

LOCAL LIMIT. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5

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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

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

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

NORMAL DOMESTIC SEWAGE. Sewage having an average daily suspended solids concentration of not more than 300 milligrams per liter, an average daily BOD concentration of not more than 300 milligrams per liter, an average daily COD concentration of not more than 600 milligrams per liter, an average daily phosphorus concentration of not more than 10 milligrams per liter, and an average daily ammonia concentration of not more than 25 milligrams.

NPDES PERMIT. The National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

OPERATION AND MAINTENANCE COSTS. All costs direct and indirect, other than debt services including replacement costs as defined herein, necessary to insure adequate wastewater treatment on a continuing basis conforming with federal, state or local requirements and to insure longterm facilities management.

OUTLET. Any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

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.

PERSON. Any individual, owner, discharger, lessee, occupant, firm, partnership, co partnership, firm, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities..

pH. An expression of the intensity of the base or acidic conditions of a liquid.

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).

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(1) **COMPATIBLE POLLUTANTS.** Waste containing biochemical oxygen demand, chemical oxygen demand, suspended solids, phosphorus, pH and fecal coliform bacteria and ammonia (NH).

(2) **INCOMPATIBLE POLLUTANTS.** Wastes with any pollutant that is not a compatible pollutant which is regulated by the NPDES permit or that would cause damage to the sewage system and/or treatment plant.

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 any other means, except by diluting the concentration of pollutants unless specifically allowed by an applicable Pretreatment Standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS OR STANDARDS. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, State, and Local Limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 51.033 of this ordinance.

PUBLICLY OWNED TREATMENT WORKS OR POTW. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 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.

RANDOM SAMPLE. A sample taken at no charge to the user, at the city's discretion of effluent produced by any user.

RECEIVING STREAM. The watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.

REPLACEMENT COSTS. That cost, stated in current monetary values, as an operating cost which represents and measures the expenditures required to replace equipment, accessories or appurtenances of the property in order to maintain capacity and performance during the useful life of the property of the Water Pollution Control Utility.

REPLACEMENT FUND. A fund maintained to provide resources to pay for replacement expenditures annually as required to maintain the capacity and performance of the property of the sewage works.

SANITARY SEWAGE. Sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels, hotels, lodging or boarding houses, office buildings, factories or institutions, and free from storm water, surface water, groundwater and industrial wastes.

SCHEDULED SAMPLE. Routine sampling of a user's effluent, usually twice a year for a commercial user and quarterly for industrial users.

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SERVICE CHARGE. A charge levied on a user of the treatment works which includes the user charge, a charge for local capital costs, and may include other charges for current services.

SEWAGE. The water-carried wastes from residences, business buildings, institutions and industrial establishments, singularly or in any combination, together with such ground, surface and storm waters as may be present.

SEWAGE TREATMENT PLANT or WATER POLLUTION CONTROL PLANT (WPC PLANT). The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

SEWAGE WORKS or WATER POLLUTION CONTROL UTILITY. All facilities and systems for collecting, transporting, pumping, treating, disposing of sewage and sludge, including the sewage treatment plant and the sanitary, storm and combination sewer collection systems whether or not in active use.

SEWER. A pipe or conduit for carrying sewage and other waste liquids as differentiated below:

(1) **COMBINED OR COMBINATION SEWER.** A sewer which carries storm, surface and groundwater runoff as well as sewage.

(2) **PUBLIC SEWER.** A sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by the city or other public authority.

(3) **SANITARY SEWER.** A sewer which carries domestic and unpolluted industrial sanitary sewage and to which storm, surface, groundwaters and unpolluted industrial waste waters are not intentionally admitted.

(4) **STORM SEWER.** A sewer which carries storm, surface and groundwater drainage but excludes sanitary sewage.

SEWER ENGINEER. The Chief Sewer Engineer of the city or his duly authorized representative; the term is synonymous with the term "Water Pollution Control Engineer."

SEWERAGE SYSTEM. The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Sewage Treatment Plant.

SHALL. Means mandatory; "may" means permissible.

SLUGLOAD or Slug Discharge as it pertains to Industrial Pretreatment . Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit Conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the Standard Industrial Classification Manual used by the U.S. Office of Management & Budget.

STANDARD METHODS. The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Water Works Association and the Water Pollution Control Federation, a copy of which is on file in the Office of the Superintendent.

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STRENGTH-OF-WASTE SURCHARGE. The additional charges for sewage service collected from users discharging sewage into the system having a strength measurement in excess of the limits imposed by the provisions of this chapter.

SUPERINTENDENT. The Superintendent of the Sewage Treatment Plant (Water Pollution Control Plant) of the city, or a duly authorized representative of the Superintendent

SUSPENDED SOLIDS. Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in 40 CFR 136.

TOXIC POLLUTANT. One of 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33 USC 1317) of the Act.

User or Industrial User as it pertains to Industrial Pretreatment. A source of indirect discharge.

USER CHARGE. A charge imposed on users of a treatment works to defray the cost of operation, maintenance and replacement.

USER REQUESTED SAMPLE. Any effluent sampled taken by the city at the request of the user, the cost for which shall be billed to the user.

WASTE SURVEILLANCE CHARGE. A monthly charge collected from users, qualifying as industrial or commercial class users, to defray the cost of evaluating that user's waste by metering, sampling, laboratory analysis and/or other methods deemed necessary. Said charges are set forth in § 51.065 et seq. and are subject to review annually as provided in § 51.079.

WATER POLLUTION CONTROL PLANT (WPC PLANT). See **SEWAGE TREATMENT PLANT**.

WATER POLLUTION CONTROL UTILITY. See **SEWAGE WORKS**.

WATERCOURSE. A channel in which the flow of water occurs either continuously or intermittently.

(74 Code, § 24-1) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-36-03, passed 10-28-03)

§ 51.002 DAMAGE TO CITY PROPERTY PROHIBITED.

1 It shall be unlawful for any unauthorized person to maliciously, willfully or negligently
2 break, damage, destroy, remove, deface or tamper with any structure, appurtenance or
3 equipment which is part of the city sewage system, the city's Water Pollution Control Plant or
4 property of others assigned to the city for operation and maintenance and shall be liable for
5 damage.

(74 Code, § 24-8) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed,
9-10-91; Am. Ord. G-17-94, passed 8-23-94) Penalty, see § 51.999

§ 51.003 DILUTION.

6 It shall be unlawful for any person to increase the use of potable water or process water
7 in any way, or mix separate waste streams for the purpose of diluting a discharge as a
8 partial or complete substitute for adequate treatment to achieve compliance with
9 pretreatment standards or requirements. The city may impose mass limitations on any
10 persons using dilution to meet applicable pretreatment standards or discharge permit
11 requirements. The city may also impose mass limitations on Users who are using dilution to
12 meet applicable Pretreatment Standards or Requirements, or in other circumstances
13 deemed appropriate by the Board of Public Works.

(74 Code, § 24-9) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed,
9-10-91; Am. Ord. G-17-94, passed 8-23-94) Penalty, see § 51.999

§ 51.004 ACCIDENTAL DISCHARGES.

14 (A) Each person shall provide protection from accidental discharge of prohibited or
15 regulated materials or substances to sewers of the city. Where necessary, procedures
16 and facilities to prevent the accidental discharge of prohibited materials shall be provided
17 and maintained at said discharger's expense. Detailed plans showing facilities and operating
18 procedures to provide this protection shall be submitted to the Superintendent for review,
19 and be approved by the city before construction of the facility. Review and approval of plans
20 and operating procedures by the city shall not relieve the discharger from the responsibility
21 to modify its facility as necessary to meet applicable federal, state and local requirements.

18 (B) All responsible persons shall notify the Superintendent of the Water Pollution
19 Control Plant, or his representative, within 2 hours when a "slug load" or accidental
20 discharge occurs. A written report shall be submitted within five days of the incident. The
21 notification must include the location of the discharge, date and time of occurrence, type of
22 waste, concentration and volume and corrective actions taken. Any person who discharges
23 a "slug load" of prohibited materials will be liable for any expense, including loss or damage
24 to the city's sewerage system and treatment facilities in addition to the amount of any fines
25 imposed upon the city under state or federal law.

23 (C) Signs must be permanently posted in conspicuous places on the dischargers'
24 premises, advising employees whom to call in the event of an accidental discharge.
25 Employers shall adequately instruct all employees who may cause or discover such
26 discharges of the emergency notification procedures.

25 (D) All Users that are subject to annual inspection will have a documented review of
26 the above required facilities and or plans for adequacy as a part of the annual inspection
27 process.

1 **CONNECTIONS AND EXTENSIONS**

2 **§ 51.015 REQUIREMENTS FOR CONNECTION TO PUBLIC**
3 **SEWERS.**

4 City Utilities shall have the authority to require an owner of real property to disconnect
5 any downspouts, yard drains or other drains which carry the runoff of natural precipitation
6 from a building sewer which drains into a sanitary sewer, or in areas served by combined
7 sewers where City Utilities determines the additional load placed on the system has been
8 found to be detrimental to properties in that area. Property owners shall have thirty (30)
9 days after notice thereof to comply with any such requirement.

10 (74 Code, § 24-3) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed,
11 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97) Penalty, see § 51.999

12 **§ 51.016 EXTENSIONS OF SEWERS OUTSIDE CORPORATE**
13 **LIMITS.**

14 The installation, construction, or extension of sanitary sewers by private developers or by
15 the city outside the corporate limits of the city and the connection of said sanitary sewers into
16 the city's sewage system from, by, to, or for properties located outside such limits is
17 prohibited, except with the approval of the Board of Public Works by duly enacted resolution,
18 provided that a resolution ratifying and agreement and/or contract for such construction and
19 connection shall be deemed to constitute such approval.

20 (74 Code, § 24-4) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94) Penalty, see § 51.999

21 **§ 51.017 CONNECTIONS TO SEWERAGE SYSTEM BY CERTAIN**
22 **PROPERTIES OUTSIDE CORPORATE LIMITS.**

23 Notwithstanding the provisions of § 51.016, the Board of Public Works shall have the
24 authority to permit a property located outside the corporate limits of the city to connect to an
25 existing sanitary sewer which is part of the city's sewerage system, when the property abuts,
26 adjoins or is immediately contiguous to the street, alley or easement in which such sewer is
27 located and provided the property owner or occupant has complied with the requirements
28 prescribed by § 51.015 of this chapter.

29 (74 Code, § 24-5) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed
30 7-9-97)

COMMERCIAL AND INDUSTRIAL WASTES AND DISCHARGES

§ 51.030 PRIOR APPROVAL FOR CERTAIN WASTES.

 The Superintendent shall have the authority to deny or condition new or increased
 contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial
 Users where such contributions do not meet applicable Pretreatment Standards and
 Requirements or where such contributions would cause the POTW to violate its NPDES
 permit;

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(A) Review and acceptance by the Superintendent shall be obtained prior to the discharge into the sewage works sewers by any persons having sewage wastes which contain:

- (1) Either a BOD content greater than 300 milligrams per liter or a COD greater than 600 milligrams per liter.
- (2) A suspended solids content greater than 300 milligrams per liter.
- (3) A phosphorus content greater than 10 milligrams per liter.
- (4) An ammonia content greater than 25 milligrams per liter.
- (5) Other contaminants which either from their constituents or quantities will:
 - (a) Interfere with the operation of any portion of the sewage works;
 - (b) Pass through the treatment works or otherwise be incompatible with such works;
 - (c) Prevent the reclamation and/or recycling of municipal or industrial wastewaters and sludges.

(B) However, nothing in this section or elsewhere in this chapter shall be read to allow the user to discharge pollutants which shall cause interference or pass through and/or to absolve the user from liability in the occurrence of a discharge which causes such interference or pass through.

(C) When requested by the City, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request.

(D) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a valid Industrial Wastewater Discharge Permit, which shall contain the specific requirements to be complied with by the User. The City may also require other users to obtain an Industrial Wastewater Discharge Permit as necessary to carry out the purposes of this ordinance.

(E) Any violation of the terms and conditions of a valid Industrial Wastewater Discharge Permit, including any Best Management Practices contained there in, shall be deemed a violation of this ordinance and subject the permittee to enforcement as set out at section 51.111 of this ordinance.

(F) Obtaining an Industrial 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.

Individual wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

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(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards; [Note: Required Streamlining Rule Change]

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

(5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(6) Requirements to control Slug Discharge, if determined by the Superintendent to be necessary.[Note: Required Streamlining Rule Change] Individual wastewater discharge permits may contain, but need not be limited to, the following conditions:

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

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

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

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

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

(6) A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit; and

(7) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations

An individual wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each individual wastewater discharge permit will indicate a specific date upon which it will expire.

(⁷⁴ Code, § 24-11) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94) Penalty, see § 51.999

§ 51.031 PRETREATMENT FACILITIES; APPROVAL OF PROPOSED PLANS, OPERATION.

(A) General. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards,

1 Local Limits, and the prohibitions set out in this ordinance within the time limitations specified
2 by EPA, the State of Indiana, or the City, whichever is more stringent. Any facilities
3 necessary for compliance shall be provided, operated, and maintained at the users'
4 expense. (B) Prior approval Detailed plans describing such facilities and operating
5 procedures shall be submitted to the City for review, and shall be acceptable to the City
6 before such facilities are constructed. The review of such plans and operating procedures
7 shall in no way relieve the User from the responsibility of modifying such facilities as
8 necessary to produce a discharge acceptable to the City under the provisions of this
9 ordinance. (C) Operation. Where pretreatment facilities are provided pursuant to the
10 Superintendent's approval, they shall be maintained continuously in satisfactory and
11 effective operating condition at the person's expense and shall be subject to periodic and
12 random inspection and sampling by the city. The person responsible for such facilities shall
13 maintain suitable operating records which shall be open to inspection by the city, and shall
14 submit to the Superintendent such summary reports of the character of the influent and
15 effluent of the facilities as the Superintendent may require. All records and reports shall be
16 retained for a minimum of three years. All significant industries whether defined as
17 categorical or noncategorical industry by state and federal regulations shall comply with all
18 requirements of 40 CFR 403.12 as revised. ('74 Code, § 24-14)

9 (D) Pursuant to 40 CFR 403.12(latest revision), the city may, at its discretion, require
10 that records be kept for a longer period in the case of unresolved litigation or when
11 requested by the Approval Authority.

12 (E) All significant industries whether defined as categorical or noncategorical industry
13 by state and federal regulation shall comply with all applicable requirements of 40 CFR
14 403.12, including, when applicable, Baseline Monitoring Reports (BMRs), 90 Day
15 Compliance Reports, and Periodic Compliance Reports.

16 (F) Additional Measures. Whenever deemed necessary, the City may require Users to
17 restrict their discharge during peak flow periods, designate that certain wastewater be
18 discharged only into specific sewers, relocate and/or consolidate points of discharge,
19 separate waste streams, and such other conditions as may be necessary to protect the
20 POTW and determine the User's compliance with the requirements of this ordinance.

21 (G). Bypass

22 A. For the purposes of this Section,

23 (1) Bypass means the intentional diversion of wastestreams from any
24 portion of a User's treatment facility.

25 (2) Severe property damage means substantial physical damage to
26 property, damage to the treatment facilities which causes them to become
27 inoperable, or substantial and permanent loss of natural resources which
28 can reasonably be expected to occur in the absence of a bypass. Severe
29 property damage does not mean economic loss caused by delays in
30 production.

31 B. A User may allow any bypass to occur which does not cause Pretreatment
32 Standards or Requirements to be violated, but only if it also is for essential
33 maintenance to assure efficient operation. These bypasses are not subject to the
34 provisions of this Section.

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

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

- 1 (b) There were no feasible alternatives to the bypass, such as the use of
2 auxiliary treatment facilities, retention of untreated wastes, or
3 maintenance during normal periods of equipment downtime. This
4 condition is not satisfied if adequate back-up equipment should
5 have been installed in the exercise of reasonable engineering
6 judgment to prevent a bypass which occurred during normal periods
7 of equipment downtime or preventive maintenance; and
8 (c) The User submitted notices as required under this section.

9 (2) The Superintendent may approve an anticipated bypass, after
10 considering its adverse effects, if the Superintendent determines that it will
11 meet the three conditions listed above.

12 Bypass Notifications

13 (1) If a User knows in advance of the need for a bypass, it shall submit prior
14 notice to the Superintendent, at least ten (10) days before the date of the
15 bypass, if possible.

16 (2) A User shall submit oral notice to the Superintendent of an
17 unanticipated bypass that exceeds applicable Pretreatment Standards
18 within twenty-four (24) hours from the time it becomes aware of the bypass.
19 A written submission shall also be provided within five (5) days of the time
20 the User becomes aware of the bypass. The written submission shall
21 contain a description of the bypass and its cause; the duration of the
22 bypass, including exact dates and times, and, if the bypass has not been
23 corrected, the anticipated time it is expected to continue; and steps taken or
24 planned to reduce, eliminate, and prevent reoccurrence of the bypass. The
25 Superintendent may waive the written report on a case-by-case basis if the
26 oral report has been received within twenty-four (24) hours.

27 (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91); Am. Ord.
28 G-17-94, passed 8-23-94) Penalty, see § 51.999

29 **§ 51.032 FEDERAL PRETREATMENT STANDARDS.**

30 (A) As part of this chapter the city shall enforce all federal pretreatment standards
including but not limited to categorical pretreatment standards upon persons within its
service area or within the service area of any contract customers.

(B) Categorical industrial users must comply with all applicable National Categorical
Pretreatment Standards found in 40 CFR Chapter 1, Subchapter N, Parts 405-471 latest
edition. These standards are hereby incorporated into this chapter.

(1) Where a categorical Pretreatment Standard is expressed only in terms of either
the mass or concentration of a pollutant in wastewater, the City may impose equivalent
concentration or mass limits in accordance with 40 CFR 403.6

(2) When the limits in a categorical Pretreatment Standard are expressed only in
terms of mass of pollutant per unit of production, the City may convert the limits to equivalent
limitations expressed as either mass of pollutant discharged per day or effluent
concentration for purposes of calculating limitations applicable to individual Industrial Users
in accordance with 40 CFR 403.6.

(3) When wastewater subject to categorical Pretreatment Standards is mixed with
wastewater not regulated by the same Standard, the City shall impose an alternate limit in
accordance with 40 CFR 403.6

(C) Baseline Monitoring Reports

1 Within either one hundred eighty (180) days after the effective date of a categorical
2 Pretreatment Standard, or the final administrative decision on a category
3 determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical
4 Industrial Users currently discharging to or scheduled to discharge to the POTW shall
5 submit to the Superintendent a report which contains the information listed in
6 paragraph B, below. At least ninety (90) days prior to commencement of their
7 discharge, New Sources, and sources that become Categorical Industrial Users
8 subsequent to the promulgation of an applicable categorical Standard, shall submit to
9 the Superintendent a report which contains the information listed in paragraph B,
10 below. A New Source shall report the method of pretreatment it intends to use to
11 meet applicable categorical Standards. A New Source also shall give estimates of its
12 anticipated flow and quantity of pollutants to be discharged.

7 (1). Users described above shall submit the information set forth below.

8 (a) Identifying Information.

9 1. The name and address of the facility, including the name of the operator
10 and owner.

11 2. Contact information, description of activities, facilities, and plant
12 production processes on the premises;

13 (b) Environmental Permits. A list of any environmental control permits held by or
14 for the facility.

15 (c) Description of Operations.

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

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

24 (e) Number and type of employees, hours of operation, and proposed or actual
25 hours of operation;

26 (f) Type and amount of raw materials processed (average and maximum per
27 day);

28 (g) Site plans, floor plans, mechanical and plumbing plans, and details to show
29 all sewers, floor drains, and appurtenances by size, location, and elevation,
30 and all points of discharge;

(h) Time and duration of discharges;

(i)The location for monitoring all wastes covered by the permit;

(j) Flow Measurement. Information showing the measured average daily and
maximum daily flow, in gallons per day, to the POTW from regulated process
streams and other streams, as necessary, to allow use of the combined
wastestream formula set out in 40 CFR 403.6(e).

(k) Measurement of Pollutants.

(l) The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

(m) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process.

(1) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

(2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in 40 CFR 136. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Superintendent or the applicable Standards to determine compliance with the Standard.

(3) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

(4) Sampling and analysis shall be performed in accordance with 40CFR 136;

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

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

(p) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 51.001 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(q) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard

(r) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 51.001.

D. Compliance Schedule Progress Reports

The following conditions shall apply to any compliance schedule required by this ordinance:

1 1. The schedule shall contain progress increments in the form of dates for the
2 commencement and completion of major events leading to the construction and operation of
3 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
4 final plans, executing contracts for major components, commencing and completing
5 construction, and beginning and conducting routine operation);

6 2. No increment referred to above shall exceed nine (9) months;

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

12 4. In no event shall more than nine (9) months elapse between such progress reports to [the
13 Superintendent].

14 E Reports on Compliance with Categorical Pretreatment Standard Deadline

15 Within ninety (90) days following the date for final compliance with applicable categorical
16 Pretreatment Standards, or in the case of a New Source following commencement of the
17 introduction of wastewater into the POTW, any User subject to such Pretreatment Standards
18 and Requirements shall submit to the Superintendent a report containing the information
19 described in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to
20 equivalent mass or concentration limits established in accordance with the procedures in 40
21 CFR 403.6(c), this report shall contain a reasonable measure of the User's long-term
22 production rate. For all other Users subject to categorical Pretreatment Standards
23 expressed in terms of allowable pollutant discharge per unit of production (or other measure
24 of operation), this report shall include the User's actual production during the appropriate
25 sampling period. All compliance reports must be signed and certified in accordance with of
26 this ordinance. All sampling will be done in conformance with 40CFR136.

27 F Periodic Compliance Reports

28 All Significant Industrial Users must, at a frequency determined by the Superintendent
29 submit no less than twice per year (June and December) reports indicating the nature,
30 concentration of pollutants in the discharge which are limited by Pretreatment Standards and
the measured or estimated average and maximum daily flows for the reporting period. In
cases where the Pretreatment Standard requires compliance with a Best Management
Practice (BMP) or pollution prevention alternative, the User must submit documentation
required by the Superintendent or the Pretreatment Standard necessary to determine the
compliance status of the User [*Note: Required Streamlining Rule Change*].

. If a User subject to the reporting requirement in this section monitors any regulated
pollutant at the appropriate sampling location more frequently than required by the
Superintendent, using the procedures prescribed in Section 6.11 of this ordinance, the
results of this monitoring shall be included in the report. [*Note: See 40 CFR 403.12(g)(6)*]

G Reports of Changed Conditions

Each User must notify the Superintendent of any significant changes to the User's
operations or system which might alter the nature, quality, or volume of its wastewater at
least ten (10) days before the change.

1. 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.

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2. The Superintendent may issue an individual wastewater discharge permit this ordinance or modify an existing wastewater discharge permit in response to changed conditions or anticipated changed conditions.

H Reports from Unpermitted Users

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

I 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. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

[Note: *Required Streamlining Rule Change* If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis. See 40 CFR 403.12(g) (2).]

J Notification of the Discharge of Hazardous Waste

1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

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

3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste,

1 the User must notify [the Superintendent], the EPA Regional Waste Management Waste
2 Division Director, and State hazardous waste authorities of the discharge of such substance
3 within ninety (90) days of the effective date of such regulations.

4 4. In the case of any notification made under this Section, the User shall certify that it has a
5 program in place to reduce the volume and toxicity of hazardous wastes generated to the
6 degree it has determined to be economically practical.

7 5. This provision does not create a right to discharge any substance not otherwise permitted
8 to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or
9 State law.

10 K Analytical Requirements

11 All pollutant analyses, including sampling techniques, to be submitted as part of a
12 wastewater discharge permit application or report shall be performed in accordance with the
13 techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise
14 specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not
15 contain sampling or analytical techniques for the pollutant in question, or where the EPA
16 determines that the Part 136 sampling and analytical techniques are inappropriate for the
17 pollutant in question, sampling and analyses shall be performed by using validated analytical
18 methods or any other applicable sampling and analytical procedures, including procedures
19 suggested by the Superintendent or other parties approved by EPA.

20 L Certification Statements

21 The following certification statement is required to be signed and submitted by Users
22 submitting permit applications in accordance with this ordinance; Users submitting baseline
23 monitoring reports [Note: See 40 CFR 403.12 (l)]; Users submitting reports on compliance
24 with the categorical Pretreatment Standard deadlines ; and Users submitting periodic
25 compliance reports. The following certification statement must be signed by an Authorized
26 Representative as defined in Section 51.001:

27 "I certify under penalty of law that this document and all attachments were prepared under
28 my direction or supervision in accordance with a system designed to assure that qualified
29 personnel properly gather and evaluate the information submitted. Based on my inquiry of
30 the person or persons who manage the system, or those persons directly responsible for
gathering the information, the information submitted is, to the best of my knowledge and
belief, true, accurate, and complete. I am aware that there are significant penalties for
submitting false information, including the possibility of fine and imprisonment for knowing
violations."

(74 Code, § 24-15) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94)

§ 51.033 PROHIBITED DISCHARGES AND LIMITATIONS.

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.

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

(A) Any liquid or vapor having a temperature greater than 140° F. (60° C), or any
wastewater which will cause the WPC Plant's influent to exceed 104° F. (40° C).

1 (B) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in
2 amounts that will cause Interference or Pass Through. This shall include but not be limited
3 to any waters or wastes from industrial sources containing more than 100 milligrams per liter
4 of total oil and grease (TOG). Acceptable limits for animal-vegetable based fats, oils and
5 grease shall be determined by the Board of Public Works and set out in the Sewer Utility
6 Rules and Regulations. Said maximum limits shall be calculated and set at an amount
7 shown not to cause interference or obstruction in the collection system and/or sewerage
8 works, and shall be reevaluated and adjusted as necessary to protect the integrity of the
9 sewer utility.

10 (C) Any gasoline, benzene, naphtha, fuel oil, mineral oil or any other flammable or
11 explosive solid, liquid or gas.

12 (D) Any noxious or malodorous gas or substance which either alone or by interaction
13 with other wastes, is capable of creating a public nuisance or hazard to life or of preventing
14 entry into the sewers of their maintenance or repair.

15 (E) Any garbage that has not been properly pretreated and reduced as provided for in
16 the definition of ground garbage in § 51.001.

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

21 (G) Any waters or wastes having a pH less than 6.0 or greater than 12.0 or having any
22 other corrosive property capable of causing damage or posing hazards to the structures,
23 equipment or personnel of the sewage works.

24 (H) Any waters or wastes containing toxic substances, as defined under Section 307
25 (b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process
26 of the sewage treatment plant or that will pass through the plant into the receiving stream in
27 amounts exceeding the standards set forth by federal, interstate, or other competent
28 authority having jurisdiction, or will prevent the disposal of the sludges by the plant in
29 accordance with Section 405 of said Act.

30 (I) Any toxic radioactive isotopes, without a special permit. The radioactive isotopes of
I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being
discharged into the sewerage system, as further defined in the general rules and regulations.

(J) 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; including but not limited to
any waters or wastes that for a duration of 15 minutes or more have a concentration more
than five times the average concentration of BOD or suspended solids of the user's sewage
discharged during a 24 hour period of normal operation.

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

(L) Any waters or wastes containing incompatible pollutants as herein described.

(M) Any waters or wastes containing any toxic substances in quantities that are
sufficient to interfere with the biochemical processes of the sewage treatment plant, that will
pass through the plant into the receiving waters or accumulate in the sludges in an amount
exceeding the limitations, set forth by any federal, state, interstate or local limitations

whichever is more stringent. Specifically excluded are any waters or wastes containing toxic ions, compounds, or substances in concentrations or amounts exceeding the limitations set forth by the Board of Public Works and published in the general rules and regulations.

(N) Any bulk waste, either industrial or domestic, without prior written approval of the Superintendent.

(O) Any substances with objectionable color not removed by the treatment process, such as, but not limited to dye waste and vegetable tanning solutions.

(P) The city reserves the right to refuse, deny or revoke the connection of any user in the event the sewerage service requirements of the user, in the judgment of the Superintendent could or would impose an excessive burden on the sewage works or in the event the user is or has been in repeated violation of this chapter. The city further reserves the right in the event of any emergency, to restrict the allowable discharge received from any or all users of the sewerage system during the time of such emergency.

(Q) Pollutants which create a fire or explosion hazard in the city's treatment works or sewage system, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140° Fahrenheit, or 60° centigrade using test methods specified in 40 CFR 261.21.

('74 Code, § 24-16) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92); Am. Ord. G-17-94, passed 8-23-94; Am. Ord. (Ord. G-07-97, passed 7-9-97) Penalty, see § 51.999

§ 51.034 RESPONSIBILITY FOR OBSTRUCTION OR DAMAGE TO SEWERS.

If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharges shall reimburse the city for the expenses incurred by the city for cleaning out, repairing, rebuilding the sewer or for any litigations or damage claims resulting therefrom, including legal fees and court costs. For multiple offenders, each responsible person shall be assessed a proportionate percentage of the damage.

('74 Code, § 24-17) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94)

§ 51.035 SUBMISSION OF DATA ON INDUSTRIAL WASTE.

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, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established pursuant to this ordinance. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates the 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 City.

(A) Any person who discharges industrial waste into the city's sewerage system either directly or indirectly, shall forthwith fill out and file, with the Superintendent, an industrial waste questionnaire, baseline monitoring report or permit application, the form for which will be furnished by the city, in which shall be set forth the quantity and characteristics of the

1 wastes discharged into the city's sewerage system. Any owner desiring to establish a new
2 connection to the public sewer or to establish a new account with sewage works for the
3 purpose of discharging industrial or commercial waste shall 90 days prior to discharge first
4 fill out and file with the Superintendent such a questionnaire, baseline monitoring report or
5 permit application, which shall contain the actual or predicted data relating to the quantity
6 and characteristics of the wastes to be discharged. The Superintendent will evaluate the
7 data furnished by the User and may require additional information, the Superintendent will
8 determine whether to issue an individual wastewater discharge permit. The Superintendent
9 may deny any application for an individual wastewater discharge permit.

10 An individual wastewater discharge permit shall include such conditions as are deemed
11 reasonably necessary by the Superintendent to prevent Pass Through or Interference,
12 protect the quality of the water body receiving the treatment plant's effluent, protect worker
13 health and safety, facilitate sludge management and disposal, and protect against damage
14 to the POTW.

15 All rules and regulations of the sewer utility must also be followed by a permitted user.

16 (B) Any person who adds, changes, modifies or proposes to change manufacturing or
17 pretreatment processes shall first notify the Water Pollution Control Plant, in writing, and
18 submit a new or revised Permit application for review by the Superintendent.

19 (C) Industrial users must provide prior notification to the Superintendent of the WPC Plant
20 before any changes are made to their effluent.

21 (D) Any person who knowingly makes any false statement, representation or
22 certification in any application, report or other document required by this chapter or other
23 applicable regulations shall, upon conviction, be punished by the imposition of a criminal
24 penalty as required by local and/or state statutes.

25 (E) When special circumstances render it an unreasonable burden to comply with the
26 time schedule determined by the sewage works for the correction of any industrial waste
27 discharge problem, an extension of time, not to exceed 90 days, may be granted by the
28 Superintendent upon presentation in writing of an application for such relief.

29 (F) All Significant Industrial Users, whether categorical or non-categorical, shall comply
30 with the reporting requirements found at 40 CFR 403.12. Data collected to satisfy reporting
requirements must be representative of the conditions occurring during the period covered
by the report. All samples shall be collected using protocols, including appropriate
preservation, specified in 40 CFR Part 136.

(G) Written reports will be deemed to have been submitted on the date postmarked by the
United States Postal Service or the documented date transferred to an alternate carrier such
as Federal Express or UPS. For Hand delivered reports, the date of receipt shall govern.

(H) A penalty of \$50.00 may be assessed to any User for each report required by this
ordinance, a permit, or order that is submitted fifteen (15) days or more after the required
submittal date. Actions taken by the City to collect late reporting penalties shall not limit the
City's authority to initiate other enforcement actions for late reporting violations.

(74 Code, § 24-18) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97) Penalty, see § 51.999

§ 51.036 CONFIDENTIAL INFORMATION.

Information and data furnished to the city by any person shall be made available to the
public or other governmental agency without restriction unless the person specifically

1 requests and is able to demonstrate in accordance with 40 CFR 2.203 and 330 IAC 5-1.5-8
2 that the release of such information would divulge information and/or methods of production
3 entitled to protection as trade secrets or proprietary information of said person. The above
4 limitation to access has no application to the USEPA, which shall be entitled to immediate
5 and unlimited access to all information collected by the city under its Pretreatment Program.
6 Further, under no circumstances may the volume or the components of the discharge be
7 considered confidential. All requests, by the user, for confidentiality of information shall be
8 made in accordance to and governed by the provisions of 330 IAC 5 and 40 CFR 2.

9 ('74 Code, § 24-19) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
10 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94)

11 **§ 51.037 CONTROL MANHOLES.**

12 Any person who discharges or may discharge industrial wastes into a public sewer via
13 any means such as floor drains, sinks, catch basins, and the like, shall be required by the
14 Superintendent to construct and maintain, at his own expense, one or more control
15 manholes, at a specified location or locations, to facilitate the observation, measurement and
16 sampling of owner's waste. Such manholes shall be constructed in accordance with the
17 standards and specifications of the city. The Superintendent may also require the person to
18 install and maintain in any such manhole, at said person's expense, an approved volume-
19 measuring device. Plans and/or shop drawings for the installation of control manholes and
20 related equipment shall be approved by the Superintendent before any construction is
21 begun.

22 ('74 Code, § 24-20) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
23 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94)

24 **§ 51.038 GREASE AND SAND TRAPS.**

25 Whenever the Superintendent determines that interceptors or traps are needed to protect
26 the city's sewerage collection system or the city's treatment plant from grease, oil, sand or
27 similar substances occurring in any person's sewage and so notifies said person, then such
28 traps shall be promptly installed by said person, at said person's expense and shall be so
29 maintained by that person that none of such substances can be discharged or carried over
30 into the public sewers. All traps or interceptors shall meet the city's standards as to
construction, location and installation.

('74 Code, § 24-21) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94)

§ 51.039 INSPECTIONS; WASTE SAMPLING.

(A) Any User may be subject to periodic and random inspections by the city for the
purpose of determining compliance with permit limitations, solvent management plans or
spill prevention plans, identifying dilution streams or to categorize regulated processes.
These inspections may consist of monitoring waste streams, inspection of the premises,
inspection and/or copying of production records, pretreatment operating records and other
records or data deemed necessary by the inspector for the purposes stated above.

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.

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 at least once per year to ensure their accuracy.

1 (B) All wastewater samples must be representative of the User's discharge. Control
2 Manholes and or flow measurement installations shall be properly operated, kept clean, and
3 maintained in good working order at all times. The failure of a User to keep such facilities in
4 good working order shall not be grounds for the User to claim that sample and or flow results
5 are unrepresentative if its discharge. The installation, operation and maintenance of the
6 sampling facilities shall be the responsibility of the person discharging the wastes and shall
7 be subject to the approval of the Superintendent. Access to the sampling facilities shall be
8 granted, at all times, to the Superintendent.

6 (C) Where any person's operations have security measures in force which require
7 proper identification and clearance before entry onto said person's property is granted, such
8 person shall make the necessary arrangements with their security personnel that upon
9 showing of proper identification personnel from the city shall be permitted to enter, without
10 delay, for the purpose of observing or monitoring of wastes being discharged at a given point
11 or points or that person shall install suitable control manholes outside of the security area or
12 areas, which at all times will be immediately available to city personnel.

11 Any temporary or permanent obstruction to safe and easy access to the facility to be
12 inspected and/or sampled shall be promptly removed by the User at the written or verbal
13 request of the Superintendent and shall not be replaced. The costs of clearing such access
14 shall be born by the User.

12 Unreasonable delays in allowing the Superintendent access to the User's premises shall be
13 a violation of this ordinance.

14 (74 Code, § 24-22) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
15 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94) Penalty. see § 51.999

15 **§ 51.040 WASTE ANALYSIS PROCEDURES AND CHARGES.**

16 All pollutant Analyses, including sampling techniques, required under this ordinance or by
17 any Industrial Wastewater Discharge Permit, shall be performed in accordance with the
18 techniques prescribed in 40 CFR Part 136 and amendments thereto unless otherwise
19 specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not
20 contain sampling or analytical techniques for the pollutant in question, or where the EPA
21 determines that the Part 136 sampling and analytical techniques are inappropriate for the
22 pollutant in question, sampling and analyses shall be performed by using validated analytical
23 methods of any other applicable sampling and analytical procedures, including procedures
24 suggested by the City or other parties approved by EPA.

21 (A) *Charges to users.* Alternate methods for certain analyses of commercial, industrial
22 or institutional establishments may be used subject to mutual agreement between the
23 Superintendent and the user. All such analyses shall be binding in determining strength-of-
24 waste surcharges and other matters dependent upon the character and concentration of
25 wastes. When surveillance sampling is conducted by the city, a split shall be made available
26 for analysis by user upon request. In the event of a dispute between the Superintendent and
27 the user as to the toxic nature or other particulars of the sample taken and analyzed by the
28 city, the dispute shall be resolved through an appeals process consistent with approved
29 USEPA or IDEM guidance documents and methodology, the specific procedures for which
30 shall be set out in the rules and regulations of the WPC Utility. Analyses made by the city at
the request of the user shall be charged to the user according to the sewage works' standard
work order billing procedure.

28 (B) *Charges to governmental agencies.* Analyses performed by the Water Pollution
Control Plant Laboratory for any governmental agency, or political subdivision of a city,

1 county or state shall be billed to such agency or subdivision for direct labor and expenses
2 according to the sewage works' standard work order billing procedure. Analyses performed
3 for other agencies shall not have priority over the regular Water Pollution Control Plant
4 analyses unless in the judgment of the Superintendent the urgency of the analyses warrants
5 such priority.

6 (C) *Charges of outside services.* Analyses performed by the Water Pollution Control
7 Plan Laboratory for any person shall be billed at the rate established by the Water Pollution
8 Control Plan Laboratory for such analyses.

9 (D) *Charges collected.* All waste analysis charges collected under divisions (A)
10 through (B) above shall be recorded as credits to the operating costs of the Water Pollution
11 Control Plant and a quarterly accounting thereof shall be forwarded to the Superintendent.
12 All such charges are to be used to defray the operation and maintenance expenses incurred
13 by the Water Pollution Control Plant in performing said analyses.

14 ('74 Code, § 24-23) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
15 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97)

16 § 51.041 USE OF REPRESENTATIVE ANALYSIS.

17 Until an adequate analysis of a representative sample of user's wastes has been
18 obtained, the city may, for the purpose of this chapter, make a determination of the character
19 and concentration of the wastes by using data based on analysis of similar processes or
20 data for this type of business that are available from the United States Environmental
21 Protection Agency or from industry-recognized authoritative sources. This method, if
22 selected by the city, shall continue at the city's pleasure or until an adequate analysis has
23 been made.

24 ('74 Code, § 24-24) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
25 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94)

26 PRIVATE SEWAGE DISPOSAL

27 This subchapter (§§ 51.050 through 51.059) applies to matters under the jurisdiction of
28 the State and Allen County Board of Health.

29 § 51.050 DEFINITIONS.

30 (A) The words and phrases used in this subchapter (§§ 51.050 through 51.059) are
herein defined, and for the purpose of this subchapter only, shall be construed as follows,
except when otherwise expressly provided.

(1) **STATE DEFINITIONS.** All definitions set forth in 410 IAC 6-8.1, Bulletin SE-
11(1986) and Bulletin SE-13 (1988), as amended from time to time, from the Indiana State
Department of Health are hereby incorporated by reference.

(2) **BOARD.** The Fort Wayne-Allen County Board of Public Health, Fort Wayne,
Allen County, Indiana.

(3) **BUILDING.** A structure having a roof supported by columns or walls built or
used for the enclosure, shelter, protection or occupancy of persons, fixtures or personal
property, and from which there emanates any sewage.

(4) **COMMERCIAL.** Any building which is not a one or two family dwelling.

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(5) **DEPARTMENT.** The Fort Wayne-Allen County Department of Public Health, Fort Wayne, Allen County, Indiana, and/or its employees.

(6) **ENVIRONMENTAL HEALTH SPECIALIST.** An individual as defined in IC 25-32-1-2(b).

(7) **HEALTH COMMISSIONER.** The Director of Public Health for the Fort Wayne-Allen County Department of Public Health for Fort Wayne, Allen County, Indiana, (designated as "Health Officer" in the state rules and regulations) and/or his/her authorized representative.

(8) **INSTALLER.** Any person who constructs, installs, replaces, alters, modifies or repairs any residential or commercial sewage disposal system subject to the provisions of this chapter, other than one which serves his/her/its building. In the event that the person is any association of two or more people, then said association shall designate one individual who shall be designated as the installer and responsible for compliance with all provisions hereunder.

(9) **PERMIT.** A certificate of a size and style approved by the Health Commissioner.

(10) **PERMITTEE.** The person who is the owner of the real estate, his/her/its authorized representative, who is responsible for the application of a construction permit and/or operating permit and who shall be responsible for the acceptance of notices at the address listed on the permit applications.

(11) **PUBLIC SEWER.** A sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by the city or other public authority.

(12) **RESIDENTIAL.** A building used as a one or two-family dwelling.

(13) **SEWAGE.** The water-carried wastes from residences, business buildings, institutions and industrial establishments, singularly or in any combination, together with such ground, surface and storm waters as may be present.

(14) **SOILS SCIENTIST.** An individual who is a Specialist or Classifier, registered with the American Registry or Certified Professionals in Agronomy, Crops and Soils (ARCPACS).

(Ord. G-07-97, passed 7-9-97)

§ 51.051 SEWAGE DISPOSAL.

(A) *State rules.* All rules and regulations of 410 IAC 6-8.1, 410 IAC 6-10, Bulletin SE-11 (1986) and Bulletin SE-13 (1988), as amended from time to time, from the Indiana State Department of Health are hereby incorporated by reference.

(B) *Public sewer available.* Whenever a public sewer is or becomes available within 300 feet of a residential or commercial lot line, a direct connection shall be made to said public sewer, provided direct access is reasonably available via easement or other appropriate means. All existing septic tanks, sewage pits, outhouses, privy pits and similar sewage disposal systems or treatments facilities shall be abandoned and filled in a safe and sanitary manner. Permittee shall have ninety (90) days from the date that the public sewer becomes available to make a direct connection to the public sewer and to abandon and fill in the existing sewage disposal system.

1 (C) *Public sewer not available.* All residential and commercial buildings which are not
2 connected to a public sewer shall be connected to a private sewage disposal system which
3 shall comply with the standards set forth herein.

4 (D) *Construction of privy.* Sanitary vault privies constructed and maintained pursuant
5 to Bulletin SE-11 (1986) shall be approved by the Health Commissioner.

6 (E) *Correction of defects.* Should any defect exist or occur in any private sewage
7 disposal system or privy which would cause the sewage disposal system or privy to fail to
8 meet the requirements of this Chapter, then the defect shall be corrected by the
9 owner/permittee pursuant to the time table established by the Health Commissioner. Failure
10 to correct the defect within the time table established by the Health Commissioner shall be
11 considered a violation of this chapter and shall subject the owner/permittee to the sanctions
12 set forth in § 51.059 subject, however, to the hearing provisions of § 51.058.

13 (F) *Adaptation of residential systems.* Whenever there is any alteration of the structure
14 or change in the use or occupancy of a residential building that would affect the functioning
15 of the existing private sewage disposal system, including the addition of bathrooms, kitchens
16 or other related water disposal mechanisms, then the system shall be modified, enlarged or
17 replaced in accordance with the requirements of this chapter.

18 (G) *Adaptation of commercial system.* Whenever there is any alteration of the
19 structure or significant change in the use or occupancy of a commercial building which
20 would affect the functioning of the existing private sewage disposal system, including the
21 addition of bathrooms, kitchens or other related water disposal mechanisms, then the
22 system shall be modified, enlarged or replaced in accordance with the requirements of this
23 chapter.

24 (Ord. G-07-97, passed 7-9-97)

25 **§ 51.052 CONSTRUCTION REQUIREMENTS OF PRIVATE 26 SEWAGE DISPOSAL SYSTEMS.**

27 (A) *Indiana State Department of Health Requirements.* All rules and regulations of 410
28 IAC 6-8.1, Bulletin SE-11 (1986) and Bulletin SE-13 (1988), as amended from time to time,
29 from the Indiana State Department of Health are hereby incorporated by reference.

30 (B) *Lot dimensions.*

(1) Lots or tracts of real estate on which residential or commercial sewage disposal
systems are to be installed and which are rated slight or moderate for septic tank absorption
fields by the U.S. Department of Agricultural Soil Conservation Service, shall contain a
minimum of one (1.0) acre or 43,560 square feet and suitable soils and topography to permit
compliance with this chapter.

(2) Lots or tracts of real estate on which residential or commercial sewage disposal
systems are to be installed and which are rated severe for septic tank absorption fields by
the U.S. Department of Agriculture Soil Conservation Service shall contain a minimum of two
(2.0) acres or 87,120 square feet and suitable topography to permit compliance with this
chapter.

(3) A permittee, whose real estate was a separate parcel for tax purposes as shown
on the tax records of the Auditor of Allen County, Indiana, and recorded prior to the effective
date of this chapter as set forth in 51.059 (l) shall not be prohibited from the construction,
installation and eventual operation of a residential sewage disposal system solely as the
result of his/hers/its lot dimensions being less than those set forth above in (1) and (2),
provided that he/she/it meets all other requirements of this chapter.

1 (C) *On-site evaluation.* At least one boring from the submitted septic disposal system
2 location shall be done with a soil auger. A second sample from the submitted septic
3 disposal system location, and any additional confirmation samples, may be taken with a
4 push probe.

5 (D) *Requirements for septic tanks.*

6 (1) Residential septic tanks shall have the following number of gallons:

7 (a) If the number of bedrooms in a dwelling are one, two, three or four: 1,250
8 gallon tank.

9 (b) If the number of bedrooms in a dwelling are five: 1,500 gallon tank.

10 (c) If the number of bedrooms in a dwelling are more than five: 1,500 gallon tank
11 + 150 gallons x the number of bedrooms over five.

12 (E) *Final grade.* All distribution boxes shall be extended full size to ground level or final
13 grade.

14 (F) *Access openings.* All septic tanks shall have at least one (1) access opening of at
15 least ten (10) inches in diameter, for each compartment in said tank for inspection and
16 cleaning purposes. All such access opening shall be extended to ground level and shall be
17 fitted with safely secured, gas tight covers.

18 (G) *Abandoned septic tanks.* Abandoned septic tanks shall be filled with earth, sand or
19 gravel or shall be removed.

20 (H) *Inspection pike.* Each private sewage disposal system shall have at least one
21 suitable inspection pipe, which shall be accessible to the Health Commissioner at all
22 reasonable times for the inspection or sampling of effluent. If an inspection pipe does not
23 exist, is not in good repair or is not accessible, such fact shall constitute a defect in the
24 system under 51.051(E).

25 (1) The inspection pipe shall be installed at the far end of one of the absorption
26 lines, or just beyond the last equipment or device in any other treatment system.

27 (2) The inspection pipe shall be not less than an eight (8) inch riser of Schedule 40,
28 SDR 22 or SDR 26 PVC pipe or vitrified clay pipe extending above the surface of the
29 grounds with a safely secured easily removable cap or cover and with its lower end
30 connected and arranged to permit the collection, by dipping, of an effluent sample.

(Ord. G-07-97, passed 7-9-97)

§ 51.053 CONSTRUCTION PERMIT.

(A) Construction permit required. An owner or permittee shall first obtain a
construction permit from the Health Commissioner prior to the commencement of any
excavation, construction, alteration, repair, modification or addition to any existing or new
private sewage disposal system.

(B) Permit to be posted. No person shall perform any work on a private sewage
disposal system project unless a valid construction permit is first obtained and is properly
posted in a conspicuous place at or near the building where the private sewage disposal
system is to be constructed. The permit shall be plainly visible from the public thoroughfare
serving the building until the project is completed.

1 (C) Application for permit. The application for such permit shall be submitted to the
2 Health Commissioner on a form provided by the Health Commissioner and shall be
3 supplemented by any plans, specification and other information deemed necessary by the
4 Health Commissioner or as required by 410 IAC 6-8.1-48.

5 (D) Permit fees. Prior to the issuance of any permit, each owner/permittee shall first
6 tender to the Treasurer of Allen County, Indiana, a fee or fees, which shall be deposited into
7 the City-County Health Fund, for each system being constructed, modified, altered or
8 repaired in accordance with the following schedule.

9 (1) New construction - \$75.00.

10 (2) Alteration, modification or repair of existing system - \$50.00.

11 (3) Revision of existing permit prior to construction - \$20.00.

12 (E) Term and renewal. A construction permit shall be valid for one (1) year from the
13 date of issuance, and may be renewed for up to an additional six (6) months upon
14 application. If the permit is renewed, the permittee shall comply with any changes in the
15 rules, standards or requirements which may have come into effect subsequent to the original
16 date of issuance. The construction permit is not transferable.

17 (Ord. G-07-97, passed 7-9-97)

18 **§ 51.054 INSTALLERS REGISTRATION.**

19 (A) *Registration requirements.* Except for a person working on his/her/its own private
20 sewage disposal system which serves the dwelling in which he/she/it resides, no person
21 shall construct, install, replace, alter, modify or repair any private sewage disposal system
22 unless that person has first registered with the Department as an installer. Persons required
23 to be registered shall be given a grace period of up to six (6) months after the effective date
24 of this chapter in which to register with the Department. Application for registration shall be
25 on forms provided by the Department.

26 (B) *Conditions for registration.*

27 (1) Every person required to register under this section shall be knowledgeable of
28 all laws, rules and regulations of both the state and county governing private sewage
29 disposal systems. Prior to registration, the applicant must demonstrate knowledge of the
30 applicable laws, rules and regulation by passing a proficiency exam conducted by the
Department with a score of eighty percent (80%) or higher. The registration exam shall be
reviewed from time to time to determine its applicability to current laws, rules and
regulations. Where taking a written exam is not feasible, due to language or reading
difficulties, arrangements will be made to allow for an oral examination to assure
proficiency. Opportunity for reexamination shall be afforded to an applicant upon request but
no more frequently than once per month.

(C) *Seminar.* At the request of the Health Commissioner, but not more than once per
year, a person registered under this section shall attend a seminar on sewage disposal
conducted by the Department of the Indiana State Department of Health.

(D) *Expiration.* Registrations under this section shall expire annually on December 31.
Each installer shall be required to re-register annually on or before January 15 of each
succeeding year.

1 (E) Annual fee. For a period of six (6) months after the effective date of this chapter,
2 registration under this section shall be without fee. After that date, an annual registration fee
3 of \$40.00 will be charged which shall be paid not later than January 31 of each year.

4 (F) Notice of violation. Whenever the Health Commissioner determines that there has
5 been a violation of any provision of this chapter or the applicable rules and regulations of the
6 Indiana State Department of Health by an installer, the Health Commissioner shall give
7 written notice, in person or by certified mail, of the alleged violation to the installer. Such
8 notice shall include the following:

9 (1) A statement of the alleged violation.

10 (2) An order allowing a reasonable time for the performance of any act required to
11 correct the violation.

12 (G) Suspension or revocation. If the violation is not corrected within the designated
13 time, the Health Commissioner may suspend or revoke the installer's registration subject to
14 the provisions contained in 51.058 (B), (C) or (D).

15 (1) If the registration is suspended, the installer may be reinstated by the Health
16 Commissioner upon correction of all violations.

17 (2) If the registration is revoked, the Health Commissioner shall require, at a
18 minimum, that the installer: 1) be retested; 2) pay the registration fee; and, 3) correct all
19 outstanding violation to the satisfaction of the Health Commissioner prior to being re-
20 registered.

21 (H) Not registered. Any person constructing, installing, replacing, altering or repairing
22 any private sewage disposal system who is not registered as an installer under this section
23 shall be deemed to be in violation of this chapter and shall be subject to all penalties set
24 forth in § 51.059.

25 (Ord. G-07-97, passed 7-9-97)

26 **§ 51.055 INSPECTION.**

27 (A) Commencement of construction. Upon issuance of a construction permit under §
28 51.053(A), the permittee may commence installation and construction of the private sewage
29 disposal system. The Health Commissioner may inspect the work at any state of
30 construction.

(B) Inspection. Upon substantial completion of the installation, the permittee shall
notify the Health Commissioner that the work is ready for inspection. No portion of the
installation shall be covered until the inspection is made.

(1) No portion of the installation shall be used and, when the system serves a new
building, no person shall be permitted to use the building or buildings until the inspection has
been completed and the system is found to be in compliance and an operation permit has
been issued.

(2) The inspection shall be made within two (2) working days of the receipt of notice
by the Health Commissioner that the system is ready for inspection.

(C) Issuance of operation permit. If the system meets all requirements and is in
compliance with the law, the Health Commissioner shall issue an Operating Permit.

1 (D) Operating permit required. It shall be unlawful for any person to use or operate a
2 private sewage disposal system unless said person possesses a valid operating permit
3 issued by the Health Commissioner.

4 (E) Valid period. The Operating Permit shall be valid until there is a change in the use
5 associated with the system. The issuance date shall appear on the Permit. The operation
6 permit is not transferable.

7 (F) Application for permit. The application for an operation permit shall be made to the
8 Health Commissioner on forms provided by the Health Commissioner.

9 (G) Time of issuance. An operating permit shall be issued within five (5) days of the
10 inspection of the system once the Health Commissioner has determined that the permittee
11 has complied with all applicable provisions of this chapter, the related state rules and
12 regulations and tendered the appropriate permit fee.

13 (H) Renewal. Renewal of the Operating Permit is the duty of the permittee.

14 (Ord. G-07-97, passed 7-9-97)

15 **§ 51.056 MAINTENANCE AND SAMPLING.**

16 (A) Sanitary Condition Mandatory. Every private sewage disposal system shall be
17 constructed and maintained so that the effluent leaving the Permittee's system shall be
18 sanitary.

19 (B) Inspection and sampling. The Health Commissioner shall be permitted to enter
20 upon any property at any reasonable time to inspect and take samples from a private
21 sewage disposal system. If said test results should indicate a residential or commercial
22 sewage disposal system failure, said failure shall constitute a violation of § 51.051(E).

23 (Ord. G-07-97, passed 7-9-97)

24 **§ 51.057 ECONOMIC HARDSHIP.**

25 (A) Economic hardship. In the event an owner/permittee is unable to comply with the
26 provisions of § 51.051(B) due to the economic hardship that might be imposed, then the
27 Health Commissioner may, upon application and proof of inability to pay the cost of
28 compliance, extend the period within which said owner/permittee shall be required to make
29 the hook-up provided the owner/permittee has an existing private sewage disposal system
30 which is operating properly.

(Ord. G-07-97, passed 7-9-97)

§ 51.058 DENIAL; SUSPENSION; REVOCATION.

(A) Denial and approval of permit.

(1) In the event the Health Commissioner determines that the application for the
Construction Permit and/or Operating Permit does not meet the standards set forth in this
chapter, then the Health Commissioner shall be required to notify the Permittee of such
denial in writing, within thirty (30) days of the original application, stating the specific reasons
for the denial of the permit.

(2) Failure of the Health Commissioner to issue a written denial of a permit and/or to
issue specific written directions regarding corrective actions that need to be taken to obtain

1 the permit within thirty (30) days from the date of application of the Construction Permit shall
2 be construed as an approval of the Construction Permit. In the event the Health
3 Commissioner issues written directives regarding corrective actions, then the permittee
4 and/or his agent shall have a reasonable amount of time to address the items set forth in the
5 directives in order to be able to obtain the Construction Permit.

6 (3) Failure of the Health Commissioner to issue a written denial of an Operating
7 Permit and/or to issue specific written directions regarding corrective actions that need to be
8 taken to obtain the permit within ten (10) days from the date of application of the Operating
9 Permit shall be construed as an approval of the Operating Permit. In the event the Health
10 Commissioner issues written directives regarding corrective actions, then the Permittee
11 and/or his agent shall have a reasonable amount of time to address the items set forth in the
12 directives in order to be able to obtain the Operating Permit.

13 (B) Suspension of permit/registration. The Health Commissioner may order the
14 suspension of a Construction Permit or Operation Permit or installer registration. The Health
15 Commissioner may order the suspension of a permit or registration for any of the following
16 reasons:

17 (1) Failure to meet any of the standards of any of the provisions of this chapter or
18 violations of any of provisions of this chapter.

19 (2) Interference with the Health Commissioner in the performance of his/her duties.
20 Interference shall be defined as the process of obstructing, hampering or blocking the Health
21 Commissioner in the performance of his/her duties.

22 (3) At the request of the permittee or installer, a hearing shall be afforded him/her/it
23 within twenty-four (24) hours of the issuance of the written suspension order. Said hearing
24 shall be conducted as set forth in 51.058(E).

25 (C) Revocation of permit/registration. Any permit and/or registration issued hereunder
26 may be revoked by the Health Commissioner as the result of the willful or continued violation
27 of any provision of this chapter. No such revocation shall be ordered by the Health
28 Commissioner except after a hearing held pursuant to § 51.058(E) upon at least ten (10)
29 days written notice to the owner/permittee/installer of the time, place and nature of said
30 hearing. Said notice of hearing shall be served upon the owner/permittee/installer by leaving,
or mailing (certified mail) the notice to the address listed by the owner/permittee/installer at
his/her/its address on the permit, application or installer registration application.

(D) Immediate revocation. Notwithstanding any of the other provisions of this chapter,
whenever the Health Commissioner finds unsanitary or other conditions, which, in his/her
opinion constitute an imminent health hazard, he/she may, without notice or hearing, issue
and serve a written order on the owner/permittee/installer requiring the immediate cessation
of operation/installation. Said written order shall site the existence of the imminent health
hazard and shall specify the corrective action to be taken. Such order shall be effective
immediately. Upon petition to the Health Commissioner, the permittee/installer shall be
afforded a hearing within twenty-four (24) hours of the issuance of the written order. Said
hearing shall be conducted as set forth in 51.058(E).

(E) Hearing. At any hearing required under this chapter, every
owner/permittee/installer who is a party to such proceeding shall have the right to submit
evidence, to cross examine witnesses and to be represented by counsel. All such hearings
shall be conducted in an informal manner, but irrelevant, immaterial or unduly repetitious
material shall be excluded. Upon the conclusion of the hearing, the Health Commissioner
shall issue a final order determining the issue(s) which shall be conclusive on all parties
subject to the right of appeal.

(F) Appeal.

1 (1) Any owner/permittee/installer aggrieved by an final order of the Health
2 Commissioner shall be entitled to a review of the final order before the Board by filing a
3 written request with the Secretary for the Board within fifteen (15) days of the Health
4 Commissioner's final order.

5 (2) Upon the Secretary's receipt of such request, the Board shall hear the matter de
6 novo in open hearing upon at least ten (10) days written notice of the time, place and nature
7 thereof. The notice shall be issued by the Secretary for the Board to owner/
8 permittee/installer filing the request.

9 (3) The notice shall be served upon the owner/permittee/installer by leaving or
10 mailing (certified mail) the notice to the address listed on the application as his/her/its
11 address or such other address he/she/it shall designate in writing.

12 (4) At such hearing, the same rules of procedure shall apply as in the case of the
13 hearing before the Health Commissioner. Upon written demand by the
14 owner/permittee/installer, the Board shall cause the proceedings before it to be recorded by
15 a stenographer or reporter employed for such purpose, and the same, together with all
16 papers and documents filed therein, shall be reproduced by said Commissioners of Allen
17 County, Indiana in the form of a transcript, a copy of which shall be available to any party.

18 (5) The expense of such proceedings shall be charged to the
19 owner/permittee/installer who applied for the review, except that copies of the transcript shall
20 be at the expense of the party obtaining same. The Commissioners of Allen County, Indiana
21 may require the deposit of an amount determined to secure such expense.

22 (6) The Board shall make written findings of facts and shall enter its final order or
23 determination of the matter in writing in the permanent records of the Board.

24 (Ord. G-07-97, passed 7-9-97)

25 **§ 51.059 PENALTIES.**

26 (A) Enforcement. It shall be the duty of the Department and/or the Health
27 Commissioner to enforce the provisions of this chapter. Any permit or registration issued in
28 conflict with the provisions of this chapter shall be null and void. A violation of an order
29 issued by the Health Commissioner or Board shall be considered to be a violation of this
30 chapter.

(B) Violations. Whenever the Health Commissioner determines that any owner,
permittee, installer or any other person, is in willful violation of any of the provisions of this
chapter, the Health Commissioner shall furnish evidence of said willful violation to the
Prosecuting Attorney of Allen County, Indiana or the attorney for the Board who shall seek
all appropriate legal remedies against the person(s).

(C) Penalty. Any person who willfully violates any of the provisions of this chapter
shall be subject to a fine of not more than \$500.00 for each violation. Each day of the
existence of any violation of this chapter shall be considered to be a separate offense.

(D) Injunction. The Health Commissioner may bring an action for an injunction in
the Circuit or Superior Court of Allen County, Indiana, to restrain any person from violating
the provisions of this chapter, or to cause such violation to be prevented, abated or removed.

1 (E) Expense. Any person violating any of the provisions of this chapter shall be
2 liable to the Department for the expense, loss or damage occasioned by reason of such
3 violation, including reasonable attorney's fees and court costs.

4 (F) Cumulative. The remedies provided in this section shall be cumulative, and
5 not exclusive, and shall be in addition to any other remedy provided by law.

6 (Ord. G-07-97, passed 7-9-97)

7 **SEWER RATES AND CHARGES**

8 **§ 51.065 CHARGES BASED ON WATER USAGE/ FLAT** 9 **CHARGES.**

10 The charges made for sewerage service rendered to each lot, parcel of real estate or
11 building having any connection with the city's sewerage system or otherwise discharging
12 sewage into the system, either directly or indirectly, shall be based upon the quantity of
13 water presumed to enter the public sewers after being used in or on the property, as the
14 quantity is measured by the water meter or meters there in use by the city's water utility,
15 except as herein otherwise provided. Flat charges shall be assessed on a monthly basis.
16 For the purposes of this chapter, a month shall constitute 25-35 days. Service periods
17 falling outside this parameter shall be prorated.

18 ('74 Code, § 24-25) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
19 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

20 **§ 51.066 WATER OBTAINED FROM SOURCES OTHER THAN** 21 **CITY'S WATER UTILITY.**

22 Where the property obtains any part or all of the water used from sources other than the
23 city's water utility, the owner or the tenant may be required by the city to install and maintain
24 at the user's own expense a meter or meters acceptable to the city for the quantity of water
25 obtained from these other sources. Once installed, no such meter may be bypassed for any
26 reason.

27 ('74 Code, § 24-26) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
28 passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed
29 5-26-09)

30 **§ 51.067 EXEMPT WATER - GENERAL.**

Where a significant portion of the metered water does not and cannot enter the sewerage
system, either directly or indirectly, the person having charge of the property may request
permission from the city to install at the user's expense either an approved meter or meters
to determine the quantity of water that cannot enter the sewerage system or an approved
sewage-measuring device or devices to determine the volume of sewage that actually enters
the sewerage system. In any case the service charge shall be based on the quantity of
water that can or actually does enter the public sewers but in no case shall it be less than
the minimum charge for the class of user served. Plans and specifications for all such
meters shall be submitted to the Superintendent of the Water Pollution Control Plant and
approved prior to installation.

('74 Code, § 24-27) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed
5-26-09)

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§ 51.068 METERING OF SEWAGE.

The city may require a person to install and maintain at the user's expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if those volumes cannot otherwise be determined from the metered-water consumption records. The city shall inspect and approve such installation and no such services, once installed, shall be removed without the city's approval.

(74 Code, § 24-28) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.068.5. DEPOSIT TO ENSURE PAYMENT OF SEWER FEES.

(A) Pursuant to IC 36-9-23-28, City Utilities may require the owner, lessee, or user of property served by the Utility to pay a deposit to ensure payment of sewer fees.

(B) The deposit required shall equal the estimated average payment due from the property served by the Utility for a three month period. Deposits shall be retained in a separate fund.

(C) The deposit, less any outstanding penalties and service fees, shall be refunded to the depositor after a notarized statement from the depositor that as of a certain date the property being served:

- (1) Has been conveyed or transferred to another person; or
- (2) No longer uses or is connected with any part of the municipal sewage system.

A statement under division (C)(1) must include the name and address of the person to whom the property is conveyed or transferred.

(D) If a depositor fails to satisfy costs and fees within 60 days after the termination of his use or ownership of the property served, the deposit and all accrued interest is forfeited. The forfeited amount shall be applied to the depositor's outstanding fees. Any excess that remains due after application of the forfeiture may be collected in the manner set out in §§ 51.099 and 51.100 herein. A deposit may be used to satisfy all or part of any judgment awarded the municipality under this chapter.

(E) A deposit made under this section that has remained unclaimed by the depositor for more than seven termination of the services for which the deposit was made becomes the property of City Utilities.

(Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed 5-26-09)

§ 51.069 RESIDENTIAL USER CHARGES.

(A) In-city service and billing charges.

- (1) Service charge. Charges for services rendered to residents within the corporate boundaries of the City of Fort Wayne shall be based on metered water consumption, unless otherwise measured, in accordance with the following charges for this classification of service:

Per 100 cubic feet

Treatment	\$1.3970
Conveyance and Collection	\$1.4751
Total User Charge	\$2.8721

(2) Billing charge. Residential users inside the city shall be billed a monthly billing fee of \$4.08.

(B) Outside city service and billing charges.

(1) Service charges. Charges for services rendered to residents outside the corporate boundaries of the City of Fort Wayne shall be based on metered water consumption, unless otherwise measured, in accordance with the following charges for this classification of service:

Per 100 cubic feet

Treatment	\$1.7463
Conveyance and Collection	\$1.8439
Total User Charge	\$3.5902

(2) Billing charge. Residential users outside the city shall be billed a monthly billing fee of \$5.10.

(C) Annexation areas. Hereinafter, the terms "inside city" or "outside city" shall be read to distinguish the users located within or outside the corporate boundaries of the City of Fort Wayne. Users designated as outside city who are within an annexation area shall, upon the effective date of annexation, be designated as inside the city and inside city rates and charges shall apply.

('74 Code, § 24-31)

(D) Flat user charges.

(1) In the event that any user in this classification is not a metered water customer, there shall be imposed flat charge rates as follows:

Classification of	Monthly Flat Charge (2)	
	Inside City	Outside City
Residential User		
Single-Family Dwelling	\$32.80	\$41.00
Multi-Family Dwelling	To be estimated by city	

(2) Monthly flat charges for multi-family dwellings shall be based on the number of family units accommodated by the system, multiplied by the single-family dwelling monthly charges. A 25% surcharge shall apply to the rates charged to users outside the city.

(3) The Utility shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by the Utility at any time.

However, no adjustment, additional charge or refund may be made more than six years after the due date of the billing sought to be adjusted.

(74 Code, § 24-30) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-27-00, passed 10-24-00; Am. Ord. G-05-07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

§ 51.070 INDUSTRIAL USER CHARGES.

(A) *Service charge.* Charges for services rendered shall be based on metered water consumption, unless otherwise measured, in accordance with the following charges for this classification of service:

	Per 100 cubic feet	
	<u>Inside City</u>	<u>Outside City</u>
Treatment	\$1.3970	\$1.7463
Conveyance and Collection	<u>\$1.4751</u>	<u>\$1.8439</u>
Total User Charge	\$2.8721	\$3.5902

(B) *Flat user charge.* In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the city. A 25% surcharge shall apply to the rate charged to such users located outside the city.

(C) *Other industrial user charges.*

(1) *Billing charge.* Monthly billing charge - per bill:

(a) Inside city: \$4.08.

(b) Outside city: \$5.10.

(2) *Excess strength of waste.* In the event any user in this classification contributes waste having strength of sewage in excess of domestic waste characteristics, as herein defined, a surcharge based on the following unit process charges will be in effect for all waste found to be in excess of limitations:

	<i>Dollars Per Pound</i>
Suspended Solids - (SS)	\$0.0968
Biochemical Oxygen Demand - (BOD)	\$0.1235
Phosphorus - (P)	\$1.4575
Ammonia - (NH-3)	\$0.3748

1 (3) Food service establishments. Food service establishments as defined in §
2 51.001 and industrial users that are engaged in or have on-site contractors that are engaged
3 in the preparation, processing or serving of cooked food, cooked food products and
4 beverages as well as any other types of food manufacturing or food preparation enterprises
5 such as, but not limited to, commissaries, commercial kitchens and caterers shall pay an
6 extra-strength surcharge of \$0.9248 per 100 cubic feet of sewage.

7 ('74 Code, § 24-32) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
8 passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-27-00,
9 passed 10-24-00; Am. Ord. G-05-07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

10 § 51.071 COMMERCIAL USER CHARGES.

11 (A) Service charge. Charges for services rendered shall be based on metered water
12 consumption, unless otherwise measured, in accordance with the following charges for this
13 classification of service:

	Per 100 cubic feet	
	Inside City	Outside City
Treatment	\$1.3970	\$1.7463
Conveyance and Collection	\$1.4751	\$1.8439
Total User Charge	\$2.8721	\$3.5902

14 (B) Flat user charge. In the event any user in this classification is not a metered water
15 customer, there shall be imposed a flat charge estimated by the city. A 25% surcharge shall
16 apply to the rate charged to users located outside the city.

17 (C) Other commercial user charges.

18 (1) Billing charge. Monthly billing charge - per bill.

19 (a) Inside city: \$4.08.

20 (b) Outside city: \$5.10.

21 (2) Excess strength of waste. In the event any user in this classification contributes
22 waste having a strength of sewage in excess of domestic waste characteristics, as herein
23 defined, such user will be charged for surveillance, as set forth elsewhere herein, and
24 surcharges, as established for industrial users, except as set forth in the following
25 paragraph.

26 (3) *Food service establishments.* Food service establishments as defined in §
27 51.001 and commercial users that are engaged in or have on-site contractors that are
28 engaged in the preparation, processing or serving of cooked food, cooked food products and
29 beverages as well as any other types of food manufacturing or food preparation enterprises
30 such as, but not limited to, commissaries, commercial kitchens and caterers shall pay an
extra-strength surcharge of \$0.9248 per 100 cubic feet of sewage.

(Ord. G-17-91, passed 6-12-91; ; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord.
G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-27-00, passed 10-24-00; Am. Ord. G-05-
07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

Editor's note:

IC 7.1-3-16.5 was repealed by P.L. 224-2005, approved 5-11-05.

1
2 **§ 51.072 INSTITUTIONAL USER CHARGES.**

3 (A) *Service charge.* Charges for services rendered shall be based on metered water
4 consumption, unless otherwise measured, in accordance with the following charges for this
5 classification of service:

6 Per 100 cubic feet

	<u>Inside City</u>	<u>Outside City</u>
7 Treatment	\$1.3970	\$1.7463
8 Conveyance and Collection	<u>\$1.4751</u>	<u>\$1.8439</u>
9 Total User Charge	\$2.8721	\$3.5902

10 (B) *Flat user charge.* In the event any user in this classification is not a metered water
11 customer, there shall be imposed a flat charge estimated by the city. A 25% surcharge shall
12 apply to the rate charged to users located outside the city.

13 (C) *Other institutional user charges.*

14 (1) *Billing charge.* Monthly billing charge - per bill.

15 (a) Inside city: \$4.08.

16 (b) Outside city: \$5.10.

17 (2) *Excess strength of waste.* In the event any user in this classification contributes
18 waste having a strength of sewage in excess of domestic waste characteristics, as herein
19 defined, such user will be charged for surveillance, as set forth elsewhere herein, and
20 surcharges, as established for industrial users.

21 (3) *Food service establishments.* Food service establishments as defined in §
22 51.001 and institutional users that are engaged in or have on-site contractors that are
23 engaged in the preparation, processing or serving of cooked food, cooked food products and
24 beverages as well as any other types of food manufacturing or food preparation enterprises
25 such as, but not limited to, commissaries, commercial kitchens and caterers shall pay an
26 extra-strength surcharge of \$0.9248 per 100 cubic feet of sewage.

(Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord.
G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-27-00, passed 10-24-00; Am. Ord. G-05-
07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

27 **§ 51.073 GOVERNMENTAL USER CHARGES.**

28 (A) *Service charge.* Charges for services rendered shall be based on metered water
29 consumption, unless otherwise measured, in accordance with the following
30 charges for this classification of service:

Per 100 cubic feet

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	Inside City	Outside City
Treatment	\$1.3970\$	1.7463
Conveyance and Collection	\$1.4751	\$1.8439
Total User Charge	\$2.8712	\$3.5902

(B) Flat user charge. In the event any user in this classification is not a metered water customer, there shall be imposed a flat charge estimated by the city. A 25% surcharge shall apply to the rate charged to users located outside the city.

(C) Other governmental user charges.

(1) Billing charge. Monthly billings charge - per bill.

(a) Inside city: \$4.08.

(b) Outside city: \$5.10.

(2) Excess strength of waste. In the event any user in this classification contributes waste having a strength of sewage in excess of domestic waste characteristics, as hereinbefore defined, such user will be charged for surveillance, as set forth elsewhere herein, and surcharges, as established for industrial users.

(3) Food service establishments. Food service establishments as defined in § 51.001 and governmental users that are engaged in or have on-site contractors that are engaged in the preparation, processing or serving of cooked food, cooked food products and beverages as well as any other types of food manufacturing or food preparation enterprises such as, but not limited to, commissaries, commercial kitchens and caterers shall pay an extra-strength surcharge of \$0.9248 per 100 cubic feet of sewage.

(Ord. G-17-91, passed 6-12-91; ; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-27-00, passed 10-24-00; Am. Ord. G-05-07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

§ 51.074 WHOLESALE CONTRACT CUSTOMERS - UNIT AND OTHER CHARGES.

In the event the city consummates a contract to serve as a regional treatment plant for any other municipality, private sewage utility or sewer district, either contiguous to the city or in its environs, said contract shall provide for the following unit charges:

(A) Volume charge.

(1) Treatment: \$1.3970 per 100 cubic feet.

(B) Variable charge (per 100 cubic feet). A variable charge for conveyance and collection costs attributable to each contract customer's portion of the city conveyance system, and operating costs associated therewith, shall be computed by the city and added to the treatment cost to arrive at the contractee's total metered rate. Variable charges shall be approved by the Board of Public Works.

1 (C) Flat charge. In addition to the foregoing charges based on volume of sewage
2 treated, collected and conveyed, each contract customer shall pay a monthly billing charge
3 of \$4.08, and an appropriate monthly surveillance charge, based on the type of testing
4 necessary according to the contractee's customer base, as established in § 51.078 herein.

5 (D) Excess strength of waste. In the event a contract customer user contributes waste
6 having a strength of sewage in excess of domestic waste characteristics, as hereinbefore
7 defined, a surcharge based on the following unit process charges will be in effect for all
8 waste found to be in excess of limitations:

	Dollars Per Pound
9 Suspended Solids - (SS)	\$0.0968
10 Biochemical Oxygen Demand - (BOD)	\$0.1235
11 Phosphorus - (P)	\$1.4575
12 Ammonia - (NH-3)	\$0.3748

13 (E) Capital charge. Where a contract calls for the payment of a capital charge (Allen
14 County Institutional Power Plant), such shall be billed to the contract customer.

15 (F) Capital surcharge. In the event a contract customer delivers sewage for treatment
16 to the city for three consecutive billing periods (approximately 90 consecutive days) which is
17 in excess of the base volume limit guaranteed in the contract, then the customer will be
18 subject to a capital surcharge, computed at the capital rate per 100 cubic feet in effect for
19 outside the city customers set out elsewhere herein. The capital rate per 100 cubic feet shall
20 be multiplied by the excess percentage of volume calculated by dividing the daily average for
21 three billing periods by the contracted volume limit (in gallons per day).

22 (G) Other provisions. In the event sewage received pursuant to any contract entered
23 into under this section exceeds any of the limitations imposed by this chapter, the city shall
24 have the right to impose all limitations, charges and penalties applicable to any non-
25 wholesale contract customer user. Each contract entered into by the city pursuant to the
26 foregoing rate classification shall provide that the wholesale contract customer shall agree to
27 enact and maintain a sewer use ordinance and user charge system acceptable to the city
28 and in conformance with the city's obligations under Sec. 204 (b) (1) of Public Law 92-500,
29 as amended and supplemented, and guidelines and regulations promulgated thereunder by
30 the U.S. Environmental Protection Agency and 40 CFR 35-905-8, 35-928-2 and 35-935-13.

(⁷⁴ Code, § 24-33) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91,
passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97,
passed 7-9-97; Am. Ord. G-27-00, passed 10-24-00; Am. Ord. G-05-07, passed 2-20-07; Am. Ord. G-12-09, passed
5-26-09)

§ 51.075 BULK WASTE CHARGES.

(A) Industrial. For all industrial waste suitable for disposal which has been delivered by
an approved water hauler to city's plant - \$ 91.34 per load. For purposes of computing
charges hereunder, a LOAD is defined as 1,000 gallons of tank capacity or any fraction
thereof.

(B) Domestic. For all domestic waste delivered to the city's plant by customer's truck
or tank - \$54.77 per load. For purposes of computing charges hereunder, a LOAD is defined
as 1,000 gallons of tank capacity or any fraction thereof.

(C) Manifest. All bulk waste loads delivered to the Water Pollution Control Plant shall be accompanied by a waste hauler manifest, the form for which will be provided by the city.

(D) Billing charge. All bulk waste haulers shall also be assessed a billing charge of \$4.08 per bill.

('74 Code, § 24-34) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-96, passed 2-27-96; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-27-00, passed 10-24-00; Am. Ord. G-05-07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

§ 51.076 STRENGTH-OF-WASTE SURCHARGE

(A) Each user discharging wastes into the collection system shall be subject to a strength-of-wastes surcharge, in addition to other sewage service charges imposed by this chapter, based on the following minimum strength characteristics to the extent that such wastes are in concentrations greater than:

- (1) Biochemical oxygen demand of 300 milligrams per liter.
- (2) Chemical oxygen demand of 600 milligrams per liter.
- (3) Suspended solids content of 300 milligrams per liter.
- (4) Phosphorus content of 10 milligrams per liter.
- (5) Ammonia content of 25 milligrams per liter.

(B) The surcharge shall be determined as follows: The excess pounds of BOD or COD (whichever results in the higher charge) suspended solids, phosphorus and ammonia will each be computed by first multiplying the user's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between, (a) the concentrations measured in milligrams per liter, of the BOD (or COD), suspended solids, phosphorus and ammonia respectively in the user's sewage, and (b) the allowed concentrations set out in § 51.076. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge. In the event COD measurement is used, as hereinbefore provided, 50% of the excess pounds measured will be used to compute the equivalent BOD charge.

('74 Code, §§ 24-36, 24-37) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-36-03, passed 10-28-03; Am. Ord. G-12-09, passed 5-26-09)

§ 51.077 CAPITAL IMPROVEMENT SURCHARGE.

(A) All classifications of users subject to a capital improvement surcharge shall pay the applicable surcharge in addition to other sewage service charges imposed by this chapter. Capital improvement surcharges shall remain in effect until the cost of the intended installations, adjustments or improvements to the water pollution control utility has been retired and the capital improvement surcharge area has been retired.

(B) The designated capital improvement surcharge areas, the respective amount of the surcharges, and frequency of the surcharges include the following:

Capital Improvement	Dollars	Frequency
Surcharge Area	Per ERU	

Deer Track Area \$47.95 monthly

(as designated by Board of Works Resolution 92-8-3-05-02)

Newhaus Sewer Area \$20.00 monthly

(as designated by Board of Works Resolution 90-271-13)

Rothman East Area \$22.50 monthly

(as designated by Board of Works Resolution 92-4-20-05-03)

Southtown Center Area \$4.00 monthly

(as designated by Board of Works Resolution 92-5-25-05-02)

Tiernan Shed B Area \$22.50 monthly

Upper Ely \$20.00 monthly

There are no other capital improvement surcharge areas.

(Ord. G-36-03, passed 10-28-03; Am. Ord. G-30-04, passed 11-23-04; Am. Ord. G-13-05, passed 7-26-05; Am. Ord. G-15-05, passed 8-25-05; Am. Ord. G-14-08, passed 12-9-08; Am. Ord. G-12-09, passed 5-26-09)

§ 51.078 CONTINUING SURVEILLANCE SAMPLING/WASTE EVALUATION CHARGES.

All users discharging wastes into the system requiring continuing surveillance sampling and waste evaluation shall be subject to the following fixed charges to cover the costs of such services per discharge point.

(A) Monthly evaluation charges.

(1) Type 1 Evaluation: \$137.48

(2) Type 2 Evaluation: \$151.48

(B) Evaluation charges - per occurrence.

(1) Type 1 Evaluation: \$412.43

(2) Type 2 Evaluation (includes metals): \$454.43

(3) Grab compliance (FOG): \$166.86

(4) Composite compliance: \$190.00*

*Plus applicable laboratory testing charges.

(*74 Code, § 24-38) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-05-07, passed 2-20-07; Am. Ord. G-12-09, passed 5-26-09)

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§ 51.079 ANNUAL REVIEW OF SERVICE CHARGES AND SURCHARGES; REVISION OF CHARGES AND RATES.

Prior to May 1 of each year, the Chief Financial Officer of the city utilities and an independent certified public accountant employed for that purpose shall submit to the Board of Public Works a comparison of the calculated unit cost for flow, removal of BOD, suspended solids, ammonia and phosphorus from the Water Pollution Control Plant influent during the previous year with unit charges currently in effect, from which the Board shall determine whether the current service charges and surcharges are adequate or should be changed, and to request legislative enactment of said changes by the Common Council. The methodology used in developing this cost comparison shall include:

(A) A system including the distribution of the cost of operation and maintenance of the treatment works of the WPC utility to each user class in proportion to such user's contribution to the total waste loading of the treatment works. Factors such as strength, volume and delivery flow characteristics shall be considered and included as the basis for the user's contribution to insure a proportional distribution of operation and maintenance and replacement costs to each user class.

(B) Total annual service charges and surcharges collected from each individual user class shall be deemed sufficient if said charges have generated during the prior operating period sufficient revenue to offset the cost of all treatment works operation and maintenance provided by the utility, including cost of management, system repair and replacement, debt retirement and other costs incidental to the utility operation attributable to such class.

('74 Code, § 24-35) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

DELINQUENT ACCOUNTS; BILLING OF SERVICE CHARGES

§ 51.090 BILLING PERIOD.

(A) Charges for sewerage services shall be computed and billed by the General Office of the City Utilities. Bills shall be rendered approximately monthly, unless additional billing is required to reflect customer changes, meter changes, service terminations, initial billings or is otherwise required to adjust billing cycles. For the purpose of this chapter, a month shall constitute 25-35 days. Service periods falling outside this parameter shall be prorated.

(B) Billings for sewerage service shall be rendered with and shall be due and payable on the same due date as billings for water service to the same premises, if any, and if none, then within such billing cycle as the utility may determine.

('74 Code, § 24-40) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.091 LIABILITY FOR PAYMENT; EXAMINATION OF UTILITY RECORDS.

(A) Charges for sewerage service shall be billed to the person being billed for water service, if any, unless by contract with the utility, another person assumes responsibility for payment. Notwithstanding billing to, and assumption of responsibility by any person, charges for sewerage service shall remain the responsibility of the owner of the real estate, who shall hold the utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest, and court costs, if any.

1 (B) The owner of the real estate or person billed shall have the right to examine the
2 utility's records of billing and collection to ascertain whether such charges have been paid,
3 and the amount thereof.

4 (C) Nothing herein contained shall permit any person other than the owner, or the
5 person being billed, to inspect, examine or otherwise obtain confidential information
6 including the payment/credit history, income, employment, finances or social security
7 number of the person being billed.

8 ('74 Code, § 24-41) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed
9 5-26-09)

10 **§ 51.092 FIRST BILLINGS.**

11 The rates, charges and surcharges fixed in this chapter shall extend to and cover any
12 additional premises hereafter served, without hearing or notice. If the first billing to a new
13 user covers a period other than a full billing month, then the charges for sewerage service
14 for such billing shall be made in accordance with standard practice employed by the city's
15 water utility.

16 ('74 Code, § 24-42) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed
17 5-26-09)

18 **§ 51.093 CITY SUBJECT TO CHARGES.**

19 For sewerage services rendered to the city, or any department, structure, or property,
20 thereof, the city shall be subject to the same rates and charges herein established for other
21 persons, or to rates and charges established in harmony herewith.

22 ('74 Code, § 24-43) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed
23 5-26-09)

24 **§ 51.094 CONSOLIDATION OF ACCOUNTS.**

25 Where an industrial, commercial or other non-residential enterprise is operating in a
26 unified manufacturing or service arena composed of two or more contiguous parcels of real
27 estate and is supplied with water through two or more meters, upon application by the owner
28 or his authorized agent, a consolidation of the water meter readings may be made for the
29 purpose of calculating the sewerage service charge.

30 ('74 Code, § 24-44) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed
5-26-09)

§ 51.095 NOTICE OF CAPITAL SURCHARGE.

The City Clerk shall certify a copy of Special Ordinance No. 2-233-81, enacted October
28, 1981, and all amendments thereto, heretofore or hereafter adopted, and shall record
such certified copy in the Office of the Recorder of Allen County, Indiana to provide
constructive notice to the owners and purchasers of real property in Adams Township and
St. Joseph Township that a capital surcharge may be imposed upon properties connected
to, or to be connected to, the city utility sewerage system, in those areas of said townships
formerly served by sewerage system purchased or otherwise acquired by the city utility.

('74 Code, § 24-45) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed
5-26-09)

§ 51.096 DELINQUENT ACCOUNTS; PENALTIES.

Charges for sewerage service levied pursuant to this chapter shall be due and payable on or before the due date stated on the bill. Any charge for sewerage and/or stormwater service not paid by the due date shall be delinquent, and may be collected, with any applied penalty, recording fees, service charges, attorney's fees, interest and court costs, if any, in accordance with this chapter and with IC 36-9-23-31 through 36-9-23-34. A penalty of 10% of the amount of the charges for sewerage service and/or stormwater service shall be attached to the delinquent charges.

('74 Code, § 24-46) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.097 TERMINATION OF WATER SERVICE DUE TO DELINQUENCY.

Where the property having a delinquent account for charges for sewerage service is served by the city's water utility, the utility may, after reasonable notice to the person being billed, as provided by the rules and regulations of the utility adopted by the Board of Public Works, shut off water service to the property. Water service shall not be restored until the delinquent account, together with any required deposit and the costs of turning off/turning on the water, shall have been paid.

('74 Code, § 24-47) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.098 TERMINATION OF SEWER SERVICE DUE TO DELINQUENCY.

In addition to all other remedies provided, the utility may, after reasonable notice to the person being billed, as provided by the rules and regulations of the utility adopted by the Board of Works, terminate sewerage service to the property. Sewerage service shall not be restored until the delinquent account, together with the costs of terminating and reconnecting service, shall have been paid.

('74 Code, § 24-48) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.099 DELINQUENT FEES AND PENALTIES AS LIENS; DUPLICATES; COLLECTION.

Delinquent charges for sewerage services and/or stormwater services, and applied penalties, recording fees and service charges may be made a lien upon the property when the delinquent party is the property owner and may be collected in accordance with the provisions of IC 36-9-23-31, 36-9-23-32 and 36-9-23-33.

('74 Code, § 24-49) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed 5-26-09)

§ 51.100 COLLECTION THROUGH COURT ACTIONS.

In addition to the foregoing remedies, the city may recover the amount of the charges for sewerage services, penalties of 10% of the delinquent fees and reasonable attorney's fees in a civil action, and may foreclose liens established by this chapter in accordance with IC 36-9-23-34.

ADMINISTRATION AND ENFORCEMENT

§ 51.110 RULES AND REGULATIONS; BOARD OF WORKS AUTHORITY.

The Board of Public Works of the city shall, in accordance with the statutes of the state, and subject to the provisions and requirements of this chapter, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the city's sewage works, for the construction and use of sewers, building sewers, appurtenances and connections to the sewerage system; for the regulation, collection and refunding of rates and charges for sewerage service; and for the implementation and enforcement of the provisions of this chapter.

(74 Code, §24-2) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-35-92, passed 7-15-92; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.111 ENFORCEMENT.

Those provisions of this chapter not specifically dealt with elsewhere shall be enforced by the Director of City Utilities and such deputies as Director, with the approval of the Board of Public Works, may be appointed for such purposes. Whenever said Director or any such deputy shall deem it appropriate to charge any person with a violation(s) of this chapter, he shall issue to such person a Notice of Violation and/or Summons, which shall be processed according to the provisions of IC 34-28-5 and sewer rules and regulations, or pursuant to an ordinance adopted in accordance with IC 36-1-6-9.

The remedies provided for in this ordinance are not exclusive. The City 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 City may take other action against any User when the circumstances warrant. Further the City is empowered to take more than one enforcement action against any noncompliant User.

When the Superintendent finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Superintendent may petition the Allen County Superior Court, Misdemeanor and Traffic Division, 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 individual 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.

(74 Code, § 24-6) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed 5-26-09)

§ 51.112 SEWERAGE WORKS IMPROVEMENT FUND.

The City Controller shall establish and maintain, for as long as user charges and surcharges are collected under the rate schedule instituted herein, accounts for the Sewerage Works Improvement Fund as required by prior ordinances relating to the issuance

of sewerage works revenue bonds now outstanding and further in accordance with the laws of the State of Indiana relative to the deposit and disbursement of public funds.

(74 Code, § 24-52) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-12-09, passed 5-26-09)

§ 51.999 PENALTY FOR VIOLATION.

Any person who violates or fails to comply with any provision of this chapter or of the rules and regulations of the Board of Public Works or administrative orders pertaining thereto, shall be subject to a fine of up to \$2,500 per day as set out at § 10.99 of the City of Fort Wayne Code of Ordinances or as otherwise provided by IC 34-28-5. Each day that such violation(s) or noncompliance continues shall constitute a separate offense.

A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City for a minimum civil penalty of \$1,000 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.

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.

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.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

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 shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

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

(74 Code, § 24-7) (Ord. G-16-86, passed 4-22-86; Am. Ord. G-17-91, passed 6-12-91; Am. Ord. G-25-91, passed, 9-10-91; Am. Ord. G-17-94, passed 8-23-94; Am. Ord. G-07-97, passed 7-9-97; Am. Ord. G-12-09, passed 5-26-09)

SECTION 2. That this Ordinance is in full force and effect from and after its passage and any and all necessary approval by the Mayor.



Council Member

APPROVED AS TO FORM AND LEGALITY



Carol Helton, City Attorney

Read the first time in full and on motion by Crawford, and duly adopted, read the second time by title and referred to the Committee on Regulators, (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at Room 030 - Council Discussion Garden Level - Citizens Square, Fort Wayne, Indiana, on _____, the _____ day of _____, 2012, at _____ o'clock _____ M.,E.S.T.

DATED: 2-14-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Crawford, and duly adopted, placed on its passage. **PASSED** **LOSS**
by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	_____	<u>2</u>
<u>BENDER</u>	<u>✓</u>	_____	_____	_____
<u>CRAWFORD</u>	<u>✓</u>	_____	_____	_____
<u>DIDIER</u>	_____	_____	_____	<u>✓</u>
<u>HARPER</u>	<u>✓</u>	_____	_____	_____
<u>HINES</u>	_____	_____	_____	<u>✓</u>
<u>JEHL</u>	<u>✓</u>	_____	_____	_____
<u>PADDOCK</u>	<u>✓</u>	_____	_____	_____
<u>SHOAFF</u>	<u>✓</u>	_____	_____	_____
<u>SMITH</u>	<u>✓</u>	_____	_____	_____

DATED: 2-28-12

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING) ORDINANCE (RESOLUTION) NO. B-6-12 on the 28th day of February, 2012

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

SEAL
[Signature]
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day of February, 2012, at the hour of 11:30 o'clock A M.,E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 29th day of FEBRUARY, 2012, at the hour of 2:00 o'clock P M.,E.S.T.

Thomas C. Henry
THOMAS C. HENRY, MAYOR