

**ORDINANCE NO. S-74-18**  
**VERSION A**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL,  
INDIANA, REPEALING AND REPLACING CHAPTER 9, ARTICLE 3 OF THE  
CARMEL CITY CODE**

**Synopsis: Ordinance repeals the existing Sewer Use Ordinance and replaces it with a newer version that meets current state and federal standards.**

**WHEREAS**, pursuant to Indiana Code 36-9-23, the City of Carmel, Indiana (the “City”) may establish, operate, and maintain a sanitary sewer system for its residents; and

**WHEREAS**, in order for the City and its citizens, businesses and industries not unduly to pollute any streams, or the subsurface ground waters in Carmel and its environs, it is necessary for the City to maintain a sewerage system and a plant for the treatment of sewage, and to adopt and to enforce regulations relating to such system and the use thereof by persons, business and industries interconnected with such system, and to comply with applicable state and federal regulations and laws; and

**WHEREAS**, the Indiana Department of Environmental Management (“IDEM”) has promulgated new regulations and requirements regarding the operation of municipal sanitary sewer systems; and

**WHEREAS**, IDEM has approved the revised Carmel Sewer Use Ordinance;

**WHEREAS**, in order to comply with applicable IDEM and federal regulations, the Common Council of the City of Carmel, Indiana, now finds that it is in the interests of the public safety and welfare to repeal the current Sewer Use Ordinance in its entirety and replace it with a revised, updated Sewer Use Ordinance.

**NOW, THEREFORE, BE IT ORDAINED**, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Chapter 9, Article 3 of the Carmel City Code is hereby repealed in its entirety and is hereby replaced to read as follows:

**“ARTICLE 3 – SEWER SERVICE**

**Division I. General Provisions**

**9-100 Purpose and Policy**

This ordinance sets forth uniform requirements for Users of the POTW for the City of Carmel and enables the City to comply with all applicable state and federal laws, including the

Clean Water Act (33 U.S.C. section 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the POTW that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- (c) To protect both the public and POTW personnel who may be affected by wastewater and sludge during their employment;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the POTW; and
- (e) To enable the City to comply with the City's NPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

#### **9-101 Administration**

Except as otherwise provided herein, the Utility Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Utility Director may be delegated by the Utility Director to a duly authorized City employee.

#### **9-102 Abbreviations**

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

AO – Agreed Order

BOD – Biochemical Oxygen Demand

BMP – Best Management Practice

BMR – Baseline Monitoring Report

CBOD – Carbonaceous Biochemical Oxygen Demand

CFR – *Code of Federal Regulations*

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

gpd – gallons per day

IDEM – Indiana Department of Environmental Management

IU – Industrial User

IWP – Industrial Wastewater Pretreatment

mg/l – milligrams per liter

NOV – Notice of Violation

NPDES – National Pollutant Discharge Elimination System

NSCIU – Non-Significant Categorical Industrial User

POTW – Publicly Owned Treatment Works  
RCRA – Resource Conservation and Recovery Act  
SIU – Significant Industrial User  
SNC – Significant Noncompliance  
TSS – Total Suspended Solids  
UV - Ultraviolet  
U.S.C. – *United States Code*  
USEPA – U.S. Environmental Protection Agency

### **9-103 Definitions**

Unless otherwise defined herein, terms shall be as adopted in the latest approved edition of “Standard Methods for the Examination of Water and Wastewater” (Standard Methods) published by the American Public Health Association, and American Water Works Association, and the Water Environment Federation and as set forth in 40 CFR Part 136. Waste constituents and characteristics shall be measured by techniques prescribed in 40 CFR Part 136 and amendments thereto unless a mutually agreed upon acceptable alternative method is adopted, or in such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods.

“Act” - Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of in 1987, 33 U.S.C. §1251, et. seq.

“Authorized Representative of Industrial Users” - Means:

- (a) In the case of a corporation, a president, a secretary, treasurer, or vice president of the corporation in charge of a principal business function;
- (b) In the case of a partnership or proprietorship, a general partner or proprietor; and
- (c) An authorized representative of the individual designated above if (a) such representative is responsible for the overall operation of the facilities from which the discharge into the POTW originates; (b) the authorization is in writing and (c) the written authorization is submitted to the Utility Director.

“Beneficial Uses” - These include, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

“Best Management Practices” (BMPs) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the General Discharge Prohibitions contained in Division III, below. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (*i.e.*, management plans) of complying with, or in place of, certain established Pretreatment Standards and effluent limits.

“Biochemical Oxygen Demand” (BOD) – the BOD of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter

required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with procedures set forth in *Standard Methods*, therein and conventionally referred to as BOD<sub>5</sub>.

“Board” – The Board of Public Works and Safety of the City of Carmel. It is the governing body of the sewerage system of the City, which is a public service.

“Building Drain” - The lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside a building and conveys it to a point outside of the building.

(a) Sanitary Building Drain - A building drain which conveys sanitary or industrial sewage only.

(b) Storm Building Drain - A building drain which conveys storm water or other clear-water drainage, but no wastewater.

“Bypass” - the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

“Carbonaceous Biochemical Oxygen Demand” (CBOD) – the CBOD of sewage, sewage effluent polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° Celsius. The laboratory determinations of CBOD shall be made in accordance with procedures set forth in *Standard Methods* therein and conventionally referred to as CBOD.

“Categorical Industrial User” – an Industrial User subject to a National Categorical Pretreatment Standard or Categorical Standard.

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

“City” – The City of Carmel, Indiana.

“Combined Sewer” - A sewer which carries storm, surface or groundwater runoff in addition to sewage.

“Compatible Pollutants” - Wastewater having or containing (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) fecal coliform bacteria, or (e) additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the State or Board.

“Composite Sample” - A Composite Sample should contain a minimum of four discrete samples, taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

“Constituents and Characteristics” (of wastewater) - The chemical, physical, bacteriological and radiological properties, including volume, flow rate and such other properties which

serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

“Daily Maximum” – the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

“Daily Maximum Limit” – the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. 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 that day.

“Debt Service Charge” - A charge levied on Users of a treatment works to fund debt service, on outstanding revenue bonds and current capital Costs.

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

“Existing Source” – any source of discharge that is not a “New Source.”

“Floatable FOG” – Fat, oil, or grease in a physical state, such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the City.

“FOG” - (All Fats, Oils and Grease, Petroleum Products and By-Products.) Fats, Oils and Grease as found in food service facilities include but are not limited to, any substance such as vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. Petroleum, Oils and Grease as found in auto service facilities include, but are not limited to, any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin that is used in, or is a by-product of, an automotive process. These substances are detectable and measurable using analytical test procedures established in 40 CFR Part 136, as may be amended from time to time.

“FOG Facility” or “FOG Facilities” - Any non-domestic User or combination of Users that generates FOG.

“FOG Equipment” - Includes oil-water separators, grease traps, and grease interceptors.

“Garbage” - Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.

“Grab Sample” – An individual discrete sample collected over a period not exceeding 15 minutes and characterizes the quality of the discharge at a given time.

“Grease Interceptor” - An outdoor, watertight receptacle utilized to intercept, collect, and restrict the passage of FOG and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain FOG and food particles from the wastewater discharged by a facility. An interceptor shall be sized and configured per good engineering standards and approved by the Utility Director.

“Grease Trap” - An indoor, watertight receptacle utilized to intercept, collect, and restrict the passage of FOG and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain FOG and food particles from the

wastewater discharged by a facility. A trap shall be sized and configured per good engineering standards and approved by the Utility Director.

“Hauled or Trucked Pollutants” - Wastes, including holding tank waste, which is trucked or hauled from any location prior to discharge to the POTW treatment plant, collection system, or by any other conveyance.

“Incompatible Pollutants” - Any pollutants which are not compatible pollutants.

“IDEM” - Indiana Department of Environmental Management.

“Indirect Discharger” - means any User introducing non-domestic pollutants into the POTW, regardless of whether the discharger is in the governmental jurisdiction of the City.

“Industrial Wastes” - Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the sewerage system or ground from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an Industrial User, but not including sanitary sewage or storm water.

“Industrial Wastewater Pretreatment Permit” (IWP Permit) – permits issued by IDEM to categorical dischargers and significant industrial users located in non-delegated pretreatment cities that discharge industrial process wastewater to the POTW.

“Infiltration” - The water, other than wastewater, entering the sewerage system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.

“Inflow” – Water, other than wastewater, entering the sewerage system from sources such as cellars, yard areas, foundation drains, sump pumps, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff or drainage.

“Inspector” - A person authorized by the City to perform inspection duties assigned to him by the Utility Director or his designee.

“Interference” - any discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
- (b) Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
- (c) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent federal, state, or local laws, rules, or regulations:
  - (1) Section 405 of the Clean Water Act (33 U.S.C. 1345), as it may be amended.
  - (2) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), as it may be amended, including:

- i. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), as it may be amended; and
  - ii. the rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941), as it may be amended.
- (3) The Clean Air Act (42 U.S.C. 7401), as it may be amended.
  - (4) The Toxic Substances Control Act (15 U.S.C. 2601), as it may be amended.

“Lateral Sewer” - The extension from the building drain to the sewerage system or other place of disposal.

“Local Limit” – specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the General Discharge Prohibitions contained in Division III, below.

“May” - means that the act referred to is both permissible and approved.

“Medical Waste” – isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“Monthly Average” – the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“Monthly Average Limit” – the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

“National Categorical Pretreatment Standard” – Any regulation that applies to Industrial Users and contains pollutant discharge limits promulgated by the USEPA in accordance with s§ 307(b) and (c) of the Act (33 U.S.C. 1251 et seq.), which applies to a specific category of Industrial Users.

“New Source” – Means

- (a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
  - (1) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - (3) 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.

- (b) 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 paragraph (a)(2) or (3) above but otherwise alters, replaces, or adds to existing processes or production equipment.
- (c) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - (1) 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 that is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (2) Entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable time. Options to purchase or contracts that 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 discharged by Residential Users.

“NPDES Permit” - National Pollutant Discharge Elimination System permit, a permit issued under the national program for issuing, modifying, revoking and reissuing, terminating, denying, monitoring and enforcing permits for the discharge of pollutants from point sources and imposing and enforcing pretreatment requirements by the USEPA or the State pursuant to Sections 307, 318, 402 and 405 of the Act.

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

“Oil-Water Separator” - A device which utilizes the difference in density between oil, petroleum products or chemical products, and water for removal.

“Operation and Maintenance” - All expenses related directly to operating and maintaining, including replacement, the sewage works as identified in the “Uniform System of Accounts for Wastewater Utilities” or as prescribed by the Indiana State Board of Accounts under the general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes.

“Pass Through” - A discharge proceeding through a POTW into Waters of the State in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other

sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

“Person” - any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agency or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the content.

“pH” - The measure of the relative acidity or alkalinity of water and is defined as the negative logarithm (base 10) of the hydrogen ion concentration.

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

“Pretreatment” or “Treatment” - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature and pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing the pollutants into a POTW or waterway. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except dilution as prohibited in 40 CFR 403.6 (d) and 327 IAC 5-18-4.

“Pretreatment Standard” Or “Standard” - any local, state or federal regulation containing pollutant discharge limits. This term includes Local Limits, prohibitive discharge limits including those promulgated under 40 CFR 403.5, National Categorical Pretreatment Standards under 40 CFR Chapter I, Subchapter N, and other pretreatment requirements established in 327 IAC 5-18.

“Prohibited Discharges” - A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in Division III apply to each User introducing pollutants into a POTW whether or not the User is subject to other Pretreatment Standards or any national, State, or local Pretreatment Requirements.

“Public Sewer” - A sewer owned by the City and/or a sewer to which all owners of abutting properties have equal rights, and which is under the control of the POTW.

“Publicly Owned Treatment Works” (POTW) - a treatment works includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and compatible industrial waste. The systems include sewers, pipes, and equipment used to convey wastewater to the treatment facility. This term also refers to the municipality of Carmel, which has jurisdiction over the indirect discharges to and the discharges from the treatment works.

“Receiving Stream” - West Fork of the White River.

“Replacement” - Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designated and constructed. The term “operation and maintenance” includes replacement.

- “Sanitary Sewage” - Sewage such as, and having the characteristics of, domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories or institutions, free from storm and surface water and industrial wastes.
- “Sanitary Sewer” - A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants and institutions.
- “Septage Permits” – Any Septage Services Provider must possess a valid permit from IDEM. A land application permit from IDEM’s Office of Land Quality must be obtained prior to the land application of septage.
- “Septage Services Provider” – Any person providing or engaging in Septage Wastewater management that pumps septic tanks and/or transports septage for disposal.
- “Septage Wastewater” – Wastewater from domestic septic tanks, holding tanks, privies, seepage pits, cesspools, compost toilets, portable sanitary units or “restaurant” grease (animal/vegetable only) from traps or interceptors.
- “Septic Tank Waste” – Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- “Severe Property Damage” - substantial physical damage to property or the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- “Sewage” – Human excrement and gray water (household showers, dishwashing operations, etc.).
- “Sewer” - A pipe or conduit laid for carrying sewage or other liquids and solids suspended or entrained therein.
- “Sewer Charge” - The total of the User Charge and the Debt Service Charge.
- “Sewerage System” - The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the POTW, and the POTW itself.
- “Shall” - means the act referred to is mandatory.
- “Shredded Garbage” - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) inch in dimension.
- “Significant Industrial User” (SIU) - the term SIU means:
- (a) All Industrial Users subject to Pretreatment Standards under 40 CFR Chapter I, Subchapter N and 327 IAC 5-17-23, discharging to the POTW.
  - (b) An Industrial User that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
  - (c) An Industrial User that contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - (d) An Industrial User that is designated as such by the Utility Director on the basis that the Industrial User has a reasonable potential for adversely affecting the

POTW's operation or violating any pretreatment standard or requirement in accordance with 40 CFR Chapter I, Subchapter N, 327 IAC 5-18, and Local Limits.

- (e) The Utility Director may determine that an Industrial User (subject to Pretreatment Standards under 40 CFR Chapter I, Subchapter N) is a nonsignificant categorical Industrial User rather than a significant Industrial User if the Industrial User never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
  - (1) The Industrial User, prior to the Utility Director's findings, has consistently complied with all applicable Pretreatment Standards and requirements.
  - (2) The Industrial User annually submits the certification statement required in 40 CFR Part 403.12(q) together with any additional information necessary to support the certification statement.
  - (3) The Industrial User never discharges any untreated concentrated wastewater.
- (f) The Utility Director may: (1) on his own initiative; or (2) in response to a petition received from an Industrial User or a POTW and in accordance with 327 IAC 5-19-3(6); determine that an Industrial User is not a significant Industrial User.

“Significant Noncompliance” – Means the status of an Industrial User that has caused or allowed a violation that meets one or more of the following criteria:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (b) Technical Review Criteria (TRC) violation, defined here as those in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for CBOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a pretreatment effluent limit (daily maximum or long-term average) that the Utility Director determined has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the public);
- (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

- (f) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance;
- (h) Any other violation or group of violations which the Utilities determines will adversely affect the operation or implementation of the local pretreatment program.

“Slug Discharge” – Any discharge at a flow rate or concentration that could cause a violation of the General Discharge Prohibitions contained in Division III, below. 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.

“State” - the State of Indiana.

“Storm Sewer” - A sewer intended to carry only storm waters, surface runoff, street wash waters and drainage. A sewer designed to transport only storm and surface water and does not lead to a wastewater treatment facility.

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

“Surcharge” - A charge for sewerage services in addition to the basic sewer charge. This charge is assessed Users whose sewage is of such a nature that it imposes upon the POTW a burden greater than that covered by the basic User charge.

“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 shall be expressed in milligrams per liter (mg/L). Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

“Total Suspended Solids” (TSS) - The value of the test for Total Suspended Solids, as described in the latest approved edition of Standard Methods.

“Toxic Pollutant” - any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Act or other Federal Statutes or in regulations promulgated by the State under state law.

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

“USEPA” - means United States Environmental Protection Agency.

“User” - A person who introduces into or discharges into, including both the owner and occupant of real estate from which is introduced or discharged into the sewerage system, or tributary to the POTW, any substance whatever.

“User Charge” - A charge levied on Users of a treatment works, or that portion of the ad-valorem taxes paid by a User, for the User’s proportionate share of the cost of operation and maintenance including replacement of such works.

“User Classes”

- (a) “Residential User” - A User who introduces only normal domestic sewage from a single family or multifamily dwelling into the sewerage system.
- (b) “Commercial User” - Transit lodging, retail and wholesale establishments or places engaged in providing merchandise for personal, household or industrial consumption and or rendering services to others.
- (c) “Institutional User” - A publicly or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.
- (d) “Governmental User” - A User engaged in legislative, judicial or administrative activities of federal, state and local governments, such as court houses, police and fire stations, city halls and similar Governmental Users.
- (e) “Industrial User” - Any Indirect Discharger who discharges industrial wastes as defined in Section 9-103 of this ordinance.
- (f) Clay Township Regional Waste District (“CTRWD”), serves its own customer base and transmits wastewater to the City for treatment pursuant to a special agreement approved by the Board. The CTRWD is deemed a User of the Carmel sewerage system and wastewater discharges that flow from the CTRWD to the City of Carmel sewerage system shall comply with this Ordinance.
- (g) Citizens Wastewater of Westfield, LLC (“Citizens Wastewater of Westfield”), serves its own customer base and transmits wastewater to the City for wholesale treatment as a successor in interest and pursuant to that certain Municipal Wastewater Service Agreement between the City of Carmel and the Town of Westfield (“Westfield Agreement”). The Citizens Wastewater of Westfield is deemed a User of the Carmel sewerage system and wastewater discharges that flow from the Citizens Wastewater of Westfield system to the City of Carmel sewerage system shall comply with this ordinance.

“Utilities” - The City of Carmel Utilities, the Utility Director subject to the control in all matters of the Sewer Department, and authorized or designated personnel.

“Utility Director” – The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this ordinance. The term also means a duly authorized representative of the Utility Director.

“Waste” - Sanitary sewage and all other waste substance liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing manufacturing or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

“Wastewater” - The liquid and water-carried industrial wastes and sewage from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.

“Wastewater Treatment Plant” - Any arrangement of devices and structures used by the City for treatment and disposing of sewage, sludge, and other sewage constituents and products.

“Waters of the State” - The accumulations of water, surface and underground, natural and artificial, public and private; or a part of the accumulation of water that are wholly or partially within, flow through or border upon Indiana. The term does not include an exempt isolated wetland, a private pond or an off-stream pond, reservoir, wetland or other facility built for reduction or control of pollution or cooling of water before discharge. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. Also includes, the floodplain free-flowing waters determined by the Department of Natural Resources based on 100-year flood frequency.

#### **9-104 Bylaws and Regulations of the Board of Public Works and Safety**

The Board of Public Works and Safety may adopt and enforce such reasonable regulations not in conflict herewith as it may be deemed necessary for the safe economical and efficient management of the City sewerage system and POTW and for the construction and use of building (or house) lateral sewers and connections to the sewerage system, which regulations may include limitations of, prohibition of, introduction of, or infiltration by storm water, surface water, and ground water into the sewerage- system.

#### **9-105 Damaging, Defacing, etc., Sewerage Works Property**

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

#### **9-106 Right of Entry**

Representatives of the City, the State and the USEPA, upon showing proper identification, shall have the right to enter and inspect the premises of any User who may be subject to the requirements of this ordinance. Users shall allow authorized representatives of the City, State and USEPA access to all premises for inspecting, sampling, observing, measuring, examining records or copying records in the performance of their duties. Authorized representatives of the City, State and USEPA shall have the right to place on the User's property such devices as are necessary to conduct sampling and monitoring. Where a User has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the User shall make necessary arrangements at its own expense, to enable authorized representatives of the City, State, and USEPA to enter and inspect the premises as guaranteed by this paragraph. For purposes of this section, the City will be provided right of entry to CTRWD and Citizens Wastewater of Westfield customers in accordance with their special agreements.

#### **9-107 Legal Authority**

Throughout the Sewerage System, the Board of Public Works and the Utility Director have the legal authority to:

- (a) develop and enforce specific limits on prohibited substances;

- (b) enter the premises of any Industrial User to conduct inspections, surveillance, record review and/or monitoring, as necessary to determine compliance with this Ordinance and, if applicable, any effective industrial wastewater pretreatment permit;
- (c) accept or deny any new or increase discharges from any indirect discharger;
- (d) immediately halt or prevent any discharge of pollutants to the POTW which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;
- (e) require compliance with all applicable Pretreatment Standards and requirements by indirect discharges;
- (f) impose fees, if necessary to offset the cost incurred by the permittee for administering the pretreatment program requirements established in Division V of this Ordinance; and
- (g) impose fines in accordance with Division VII of this Ordinance.

### *Division II. Connection to Sewerage System*

#### **9-108 Privies, Septic Tanks, Cesspools**

Except as otherwise provided by the Board, the City, or the State of Indiana or any of its agencies, a person shall not construct or maintain a privy, septic tank, cesspool or other facility intended or used for the disposal of wastewater, except that, existing septic tank systems and fields may be repaired and maintained in accordance with applicable laws and ordinance.

#### **9-109 When Connection to the Sewerage System is Required**

Any person constructing a new house or other building for occupancy, employment, recreation, industrial or commercial activity within the City and abutting on any street, alley or easement in which there is now located a public sanitary or combined sewers or along or across which there is access to such a sewer, must connect to such sewer in accord with applicable ordinances, standards and regulations, and shall not discharge sewage elsewhere than into the sewerage system.

#### **9-110 Construction of Building (or house) Lateral Sewers**

The size, shape, alignment, materials or construction of a building (or house) lateral sewer and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench shall conform to the requirement of building and plumbing codes and other applicable rules and regulations of the City and be at the user's expense.

- (a) Determining Significant Industrial Users (SIU)

Each Commercial and Industrial User shall supply the City with information about expected wastewater constituents, and characteristics to be used in determining whether or not the User will be an SIU.

- (b) Separate Sewer Requirements

A separate and independent building (or house) lateral sewer shall be provided for every building (or house), except where one building (or house) stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building (or house) through an adjoining alley courts yard, or driveway. In such cases, the building (or house) lateral sewer from the front building (or house) may be extended to the rear building (or house) and the whole considered as one building (or house) lateral sewer.

(c) Use of Old Building (or House) Lateral Sewer for a New Building (or House)

Old building (or house) lateral sewers may be used in connection with new buildings (or houses) only when they are determined, upon examination and tested by the inspector, to meet all requirements of this ordinance. Whenever reasonably possible, the building (or house) lateral sewer shall be brought to the building (or house) at an elevation below the basement floor. In all buildings (or houses) in which any building (or house) drain is too low to permit gravity flow to the public sewer, wastewater carried by such building (or house) drain shall be lifted by an appropriate means and discharged to the building (or house) lateral sewer.

(d) Inspection: Supervision of Connection

The applicant for the building (or house) lateral sewer permit shall notify the Utility Director when a building (or house) lateral sewer is ready for inspection and connection to the sewerage system. The connection shall be made under the supervision of the Inspector or his representative using materials and techniques conforming to the requirement of the Utility Director and at the applicant's expense. The applicant shall give notice before the burial or covering of the lateral sewer and shall not cover or bury the sewer until the inspection is complete and the connection approved. The initial inspection is included in the sewer connection fee. Re-inspections and other items or services will be provided at the user's expense. A fee of \$73 will be assessed to the user for each re-inspection.

**9-111 Connection of Other Water Sources**

(e) Prohibited Connections

- (1) No person shall henceforth make or allow the continued connection of roof downspouts or leaders, interior or exterior foundation drains, cleanouts, sump pumps, cellar, yard and area drains, cooling water discharges, drains from springs or swampy areas, or other sources of surface, storm or groundwater to a structure sewer or structure drain which is connected, either directly or indirectly, to the sanitary sewer system. However, interior or exterior perimeter building foundation drains connected directly into the sanitary sewer system will be exempt from the provisions of this section if the connect point is not accessible and the connection was made prior to December 9, 1959.
- (2) Swimming pool water, boiler blowdown, or other clear waters which may contain chemicals or pollutants which cannot be discharged to a natural outlet, shall not be discharged to the sanitary sewers without specific prior written approval by the Utility Director.

- (3) Whenever a property owner has plumbing facilities in his basement serving showers, toilets, washing machines, etc., there shall not be any floor drains or footing drains connected to said plumbing that may convey ground water seepage into the sewer system. The property owner shall provide dedicated plumbing and pumping systems for sewage. The property owner shall bear the cost of disconnecting non-sanitary connections. The plumbing shall not be interconnected with sump pumps, footing drains and floor drains.
- (4) Open-sided parking garages are to be constructed in a manner that accumulated stormwater is discharged to the stormwater system. Closed-sided parking garages are to be constructed in a manner that accumulated wastewater is discharged to the sanitary sewer.
- (5) Drainage from elevator shafts are to be constructed in a manner that accumulated groundwater and wastewater are discharged to the sanitary sewer.

(f) Request for Inspection

Upon a written mailed request from the City to person or persons of billing record, the person or persons of billing record shall contact the Utilities Department Administration Office within ten working days to schedule an inspection time and date for inspection. There shall be no fee charged for inspection.

(g) Access and Entry

- (1) The City shall have the right to inspect any parcel of real estate and/or structure to determine compliance with this section. When possible, appointments will be scheduled at least 24 hours in advance and at a reasonable hour.
- (2) The inspection representative shall show his City identification card at the entrance of the structure to the resident and request entrance.

(h) Disconnect Order

- (1) The Utility Director may issue an order directing the owner or the lessee of the real estate or structure to disconnect or repair all private infiltration or inflow waters from the sanitary sewer system. The order shall be effective no less than 60 days from its date of issuance. The order may state a deadline for compliance, but such deadline shall, in no event, be more than three months after issuance of the order.
- (2) Within 30 days after receipt of the order the owner or lessee may request a review hearing before the Board of Public Works by filing a written request with the Utility Director. The filing of such request shall act as a stay of the order. After such hearing, the Board of Public Works may affirm, set aside or modify such order, but the Board of Public Works shall have no authority to set aside or modify the order unless convinced that no private infiltration or inflow exists on the premises.

(i) Abatement of Nuisance

In addition to or in lieu of prosecution in Municipal Court, the Utility Director may maintain a civil action by injunction, in the name of the City, to abate and temporarily or permanently enjoin the continuation of the private infiltration and/or inflow as a nuisance, in any court of competent jurisdiction.

(j) Financial Assistance

Financial assistance in the form of a partial reimbursement through a credit given on the monthly sewer bill shall be given for the actual removal of private infiltration and inflow waters. This credit shall be provided to persons who receive and promptly comply with the disconnect order issued pursuant to subsection (d) above. The reimbursement shall be in the amount and subject to the terms and conditions set out in subsection (g) below.

(k) Credit Procedure

- (1) Upon confirmation by the Utility Director that a private infiltration or inflow source exists, the Utility Director shall issue a disconnect order for prohibited connections as defined in subsection (a) to the persons of billing record.
- (2) The person of billing record shall comply with the order by either performing the work or having the work done by a licensed plumbing or sewer contractor. The credit shall be issued in either the case of hiring a professional or the person of billing record actually doing the work.
- (3) All work shall be done in a professional manner and in compliance with adopted codes and regulations.
- (4) After completion of the work the Utilities Department shall re-inspect the premises to verify compliance with the disconnect order and that the work was done properly. The inspector will also determine if there are any other sources of private infiltration and inflow sources on the property. Credit will not be given until all sources are removed properly.
- (5) Upon verification of compliance with this section, the City shall credit the person of billing record monthly sewer bill. The credit rates are fixed amounts and shall not be increased or decreased on an individual basis. The credit shall be granted in either the case of hiring a professional plumber or the owner actually doing the work.
- (6) The credit amounts will be as follows:

Source Description	Minimum Amount
Directly connected storm sump pump	\$250 per single structure
Directly connected storm sump pump with diverter valve	\$50 per single residence
Downspout or leader	\$35 each
Cap/repair cleanout	\$15 each

- (6) The total amount of Credits issued shall not exceed \$600 per structure or parcel of real estate. The Utility Director shall have the discretion to allow additional credits in excess of \$600 only when there are special circumstances under which the cost of removing the connection is abnormally high.
- (7) Credit will be given on the monthly bill, with subsequent credits given during each monthly billing until the credit is depleted.
- (8) Acceptance of credit shall constitute consent to a re-inspection of the premises by the City within five years following the date of compliance verification. Such inspection will be done for the sole purpose of verifying continued compliance with this section and will be carried out as stated in subsections (b) and (c).
- (9) In the event that the house or building is not owned by the person of billing record and in such a case is not responsible for repairs or disconnections mentioned in this section, the owner shall complete the work and submit a claim for reimbursement by check to the City. Checks will not be issued until compliance is verified.
- (10) In the event that the person of billing record complies with the disconnect or repair notice in a timely fashion, but moves from the residence before receiving full credit, a claim shall be submitted to the City for reimbursement by check.
- (11) Property owners requesting an inspection of their own volition shall be eligible to receive credits after the Utility Director determines that there is an existing prohibited connection, and after an inspection, has verified that the prohibited connection has been removed.

#### **9-112 Extensions Outside of the City**

A person shall not directly or indirectly make any connections with or openings into the sewerage system for the purpose of serving any areas outside the corporate boundaries of the City without first securing: (i) a specific resolution of the Board describing the real estate and property to be served and authorizing such connection; and (ii) any other necessary approvals, including those from other utilities authorized to serve in the area at issue.

#### **9-113 Prohibition of Discharge to Natural Outlets**

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

#### **9-114 Right to Prohibit New Connections**

The City shall have the right to prohibit new connections for any reason, including but not limited to, when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, CBOD and/or Suspended Solids loading from the prospective Sewer User.

***Division III. Wastewater Admissibility*****9-115 General Discharge Prohibitions**

No person shall discharge to the sewerage system any of the following:

- (a) Any substance or pollutant, which because of its nature or quantity, could pass through the POTW or cause Interference with the operation or performance of the POTW regardless of whether the User is subject to Pretreatment Standards or state, local, or any other national pretreatment standard or requirement.
- (b) Any substances or pollutants which because of their nature or quantity, create a fire or explosive hazard to the POTW or to the operation of the POTW, including but not limited to, any pollutant that could create a fire or explosion hazard, including waste streams with a closed cup flashpoint of less than 140° Fahrenheit (60° Centigrade) using the test methods specified in 40 CFR Part 261.21. Examples of these pollutants include, but are not limited to; gasoline, benzene, naphtha, fuel oil, kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides or other flammable or explosive liquid, solid, or gas.
- (c) Any wastewater with a pH lower than 6.0 or higher than 9.0; or having any other corrosive property capable of causing damage or hazard to POTW structures and equipment, personnel of the POTW, or interference with any treatment process.
- (d) Any solid or viscous pollutant which may cause obstruction to the flow in a sewer or other interference with the operation of the waste treatment facilities such as, but not limited to; fats, oil and grease (FOG), ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, blood paunch manure, hair and fleshing, entrails, paper, dishes, cups, solid materials, un-shredded garbage with particles greater than one-half inch (1/2") in any dimension, or any material which can be disposed of as trash.
- (e) Any pollutant, including oxygen demanding pollutants (such as BOD), released in a discharge, at a flow rate, and/or pollutant concentration (including any slug load), which may cause interference to the POTW.
- (f) Heat in wastewater that could inhibit biological activity in the POTW treatment plant resulting in interference or damage, or wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).
- (g) Any petroleum, oil, non-biodegradable cutting oil or products of mineral oil origin in an amount that could cause interference or pass-through.
- (h) Any water or wastes containing a toxic or poisonous substance, or any gases, vapors or fumes, in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant.
- (i) Any pollutant which could cause, threaten to cause, or is capable of causing either alone or by interaction with other substances, a danger to life, health or safety of personnel within the POTW.

- (j) Any pollutant which may cause a public nuisance, hazard to life or prevent entry into the sewers for maintenance and repair.
- (k) Any pollutant that may cause the POTW's effluent or any other product of the treatment process, residues, sludges, biosolids, or scum, to be unsuitable for reclamation, land application, disposal, or to interfere with the reclamation process, or to fail to meet any of the limitations set by any Federal or State agency, or the terms of the City's NPDES Permit, the Non-Site Specific Biosolids Land Application Permit or the Biosolids Marketing and Distribution Permit.
- (l) Any pollutant that produces discoloration or any other condition that interferes with control of the treatment process.
- (m) Any pollutant that may cause interference with the Ultraviolet (UV) disinfection process.
- (n) Sludges, screening, or other residues from the pretreatment of industrial wastes.
- (o) Medical wastes, except as specifically authorized by the City in a written wastewater discharge permit. Special provisions may be required by the City for grinder pumps, screens, or other waste handling systems.
- (p) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- (q) Any wastes containing detergents, surface-active agents (surfactants), or other substances which may cause excessive foaming in the POTW or receiving stream.
- (r) Wastewater, alone or in conjunction with other sources, containing mercury in amounts that result in the POTW violating any portion of its NPDES permit.
- (s) Any waters or wastes containing phenols or other taste-producing or odor-producing substances, in concentrations exceeding limits which may be established by the City or its designee as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction of discharge to the receiving waters.
- (t) Unusual concentrations of inert suspended solids, such as, but not limited to, fuller's earth, lime slurries and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate. Fuller's earth is a clay material that may decolorize oil or other liquids without chemical treatment. Uses include absorbent, filtering, clarifying and decolorizing.
- (u) Radioactive wastes.

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

#### **9-116 Trucked or Hauled Pollutants**

- (a) No User shall discharge any trucked or hauled pollutants to the POTW, unless prior written permission is provided by the City. The hauler must possess a valid waste haulers permit from the City; pay applicable permit fees; maintain valid vehicle licenses; and only discharge to the POTW at a point designated by the Utility Director.

- (b) In the event the City allows trucked or hauled pollutants to be discharged to the POTW, the Utility Director shall:
  - (1) Obtain and retain, for a minimum of forty-eight hours, samples that are representative of the hauled or trucked pollutants;
  - (2) Analyze the samples obtained in the event that the permittee believes or has reason to believe that the hauled or trucked pollutants may be causing and /or contributing to pass-through and or interference; and
  - (3) Maintain records for each discharge of trucked or hauled pollutants into the POTW in accordance with the POTW’s NPDES permit.

**9-117 Prohibition of Dilution**

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

**9-118 Prohibition of Unpolluted Waters**

Unpolluted water, including, but not limited to City water, cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the sewerage system for purposes of diluting wastewater to reduce sewer rates or charges of the User or as a substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement. Limitations on the amount of unpolluted water that is discharged shall be part of an SIU permit.

**9-119 Limitations on the Use of Garbage Grinders**

Only properly shredded garbage, as defined in Section 9-103, may be discharged into the sewerage system.

**9-120 Limitations on Wastewater Strength**

The Board shall have the legal authority to establish and enforce specific limits on substances; compatible, prohibited, or otherwise. Prohibited and/or limited substances have constituents and characteristics which singly or in combination may damage structures, impair the operation of the wastewater treatment plant that serves the POTW, interfere with or may overload treatment processes, or impair the quality of the Receiving Stream(s) or its tributaries. Prohibited and/or limited substances include, but are not limited to, the following constituents and characteristics, with maximum concentration as shown in this section.

- (a) An Industrial User discharging Compatible Pollutants (as defined in 9-103) above the following limits, shall be subject to surcharges as described in Section 9-170:

<b>Parameter</b>	<b>Daily Maximum Discharge Limit</b>
CBOD	250 mg/L
COD where BOD cannot be determined	500 mg/L
Total Suspended Solids	250 mg/L

Ammonia	15 mg/l
---------	---------

- (b) A User shall not discharge any wastewater containing concentration more than a temperature higher than 140° F (65.5° C); or heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature entering the POTW exceeds 40° C (104° F) unless the IDEM, upon request of the Utility Director, approves alternate temperature limits.:
- (c) Local Limits. A User shall not discharge any wastewater containing concentration in excess of:

Parameter	Discharge Limit <sup>1</sup>
pH minimum	6.0 standard units
pH maximum	9.0 standard units
Arsenic	10 mg/L
Cadmium	0.69 mg/L
Chromium, hexavalent (as a Daily Maximum Limit)	0.25 mg/L
Chromium, hexavalent (as a Monthly Average Limit)	0.09 mg/L
Chromium, total	2.77 mg/L
Copper	3.38 mg/L
Cyanide, amenable (as a Daily Maximum Limit)	0.02 mg/L
Cyanide, amenable (as a Monthly Average Limit)	0.08 mg/L
Cyanide, total (as a Daily Maximum Limit)	1.2 mg/L
Cyanide, total (as a Monthly Average Limit)	0.65 mg/L
Iron	1,500 mg/L
Lead	0.69 mg/L
Mercury	0.020 mg/L
Molybdenum	0.5 mg/L
Nickel	3.98 mg/L
Selenium	40 mg/L
Silver	0.43 mg/L
Zinc	2.61 mg/L
Oil and Grease	100 mg/L
Phenolic Compounds which cannot be removed by the City wastewater treatment process	1.0 mg/L

*Note 1: The Discharge Limit is the daily maximum unless otherwise specified.*

- (d) A User shall not discharge any wastewater in concentrations other than stated in this section.
- (e) A User shall not discharge any other substance or concentration thereof prohibited to all Users or classes of Users by state or federal law, or regulation now or hereafter adopted by the Board.

- (f) The limitations imposed herein and found by the Board to be those attainable by the best practical technology. Limitations adopted by the Board shall in all cases be based on the best practical technology.

#### **9-121 Right to Reject Waste**

The Utility Director shall have the right to reject waste and prohibit the introduction of rejected waste into the sewerage system or the Utility Director may require pretreatment of the waste when the strength or character of the waste is such that it could cause damage to or interfere with the operation of the sewerage system. When pretreatment is necessary, the pretreated wastes must meet the restrictions contained in the Pretreatment Standard (40 CFR Chapter I, Subchapter N).

#### **9-122 Limitations on Point of Discharge**

No person shall discharge any substance directly into a manhole or other opening in the sewerage system, other than through the approved building (or house) lateral sewer, except in accordance with the terms of this ordinance and under a Special Agreement as provided in Section 9-123.

#### **9-123 Special Agreements for the Disposal of Wastewater**

Special agreements and arrangements for the disposal of wastewater, between the City and any person may be established by the City not inconsistent with the terms and intent of this ordinance when, in the opinion of the Board, the following provisions are met;

- (a) The agreement and the wastewater do not violate any admissibility standards within Division III of this ordinance.
- (b) The agreement is in the best interest of the City.
- (c) The person requesting the agreement must provide an estimated amount and a description of all pollutants that could be expected to be in the wastewater, at least two days prior to the disposal. The City reserves the right to require a detailed pollutant analysis of the wastewater, at the User's cost, for any individual disposal requested.
- (d) Specific disposal times and locations for wastewaters are detailed in the Special Agreements, dependent upon the nature of the wastewater to be disposed.
- (e) The person disposing is required to pay the applicable fees as described in the latest version of the Special Agreement.

### ***Division IV. Fats, Oils and Grease (FOG) Requirements***

#### **9-124 FOG Facility Designation**

- (a) A FOG Facility is a site or User that discharges or has the potential to discharge to the sewerage system wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances: obstruction of flow in the sewerage system, injury to the system, or damage to the wastewater collection, treatment, or disposal facilities.
- (b) Fog Facilities include, but are not limited to, the following:

- (1) all restaurants and food service establishments which may include truck stops and gas stations,
- (2) all industrial or commercial enterprises when, in the opinion of the Utility Director, the facility has the potential to discharge fats, oils, or greases in concentrations deemed potentially detrimental to the City's collection or treatment system,
- (3) facilities that will be expanded or renovated to include a FOG facility,
  - i. newly constructed facilities that could or will include FOG facilities, and
  - ii. new multiuse facilities.

### **9-125 FOG Facility Requirements**

All FOG facilities shall:

- (a) obtain a Non-Residential Sewer Usage Permit from the City;
- (b) provide FOG equipment that is approved by the Utility Director and in compliance with this Ordinance;
- (c) size and configure FOG equipment per common engineering standards and plumbing codes for such devices to prevent excess discharge of FOG;
- (d) have FOG Equipment properly installed per the current Plumbing Codes and in accordance with this Ordinance;
- (e) locate FOG Equipment in areas where maintenance and inspections can be easily performed;
- (f) have FOG Equipment inspected by the Utility Director prior to operation;
- (g) modify their current plumbing to prevent the introduction of FOG into the sewer if the facility does not have plumbing connections to FOG equipment;
- (h) install, operate and maintain the FOG equipment in accordance with the manufacturer's recommendations, as directed by the City's FOG Control & Pretreatment Program, and in compliance with this ordinance;
- (i) install, operate and maintain FOG equipment at the User's expense;
- (j) assume all responsibility in the sizing, plumbing configuration, and items connected or discharged by the FOG equipment; and
- (k) notify the Utility Director before the installation, removal or modification of any FOG equipment and associated plumbing.

### **9-126 Permit Application**

FOG Facilities proposing to install FOG equipment shall complete and submit the Non-Residential Sewer Usage Permit to the Utility Director prior to installing the equipment. The Utility Director will approve or deny the proposed FOG Equipment. Once approved, the Utility Director will inspect the FOG equipment installation, identify any corrective actions, and approve or deny operation of the FOG Equipment. A FOG Facility shall start operations only after approval from the Utility Director.

**9-127 User/Equipment Requirements**

The User of FOG equipment shall:

- (a) be responsible for the maintenance of the FOG equipment, or the owner in the case of multiple users;
- (b) maintain the equipment to not allow discharge of FOG concentrations that will cause excessive accumulation of materials in downstream sewer lines and/or manholes;
- (c) not accumulate floatable FOG material and/or settled solids that exceeds 25% the FOG Equipment capacity, unless otherwise recommended by the manufacturer;
- (d) service all large-volume (typically outside and in-ground) grease interceptors to maintain minimum design capacity as needed, but at least once every 90 days;
- (e) service all grease traps (typically inside) to maintain minimum design capacity as required (potentially weekly), or upon a frequency requested by the City;
- (f) be responsible for increased maintenance and cleaning beyond the base maintenance requirements of this Ordinance, if needed, to maintain an acceptable FOG level;
- (g) remove the garbage grinding device if the Utility Director determines that ground garbage is a factor in excessive accumulation of materials in downstream sewers or manholes;
- (h) not use enzymes, detergents, or other emulsifying additives to clean or prevent the accumulation of FOG in equipment;
- (i) follow the City's FOG Control & Pretreatment Program; and
- (j) train and verify that all employees and/or tenants are informed about the FOG program and best management practices to assist the City with compliance.

**9-128 FOG Equipment Inspections**

- (a) All FOG Equipment may be inspected by the Utility Director as necessary to assure compliance with this Ordinance. The initial installation inspection is included in the sewer connection fee. Re-inspections and other items or services will be provided at the user's expense. A fee of \$73 will be assessed to the user for each re-inspection.
- (b) A City representative, bearing proper identification, shall be granted access to all parts of the premises of a FOG facility for the purpose of inspection, observation, record examination, measurement, sampling and testing in accordance with this Ordinance. It is the responsibility and obligation of the User of the FOG facility to open the equipment to allow the City representative access for inspections; refusal of entry will be considered a violation of this ordinance.
- (c) The Utility Director shall inspect FOG Facilities and equipment periodically during both scheduled and unscheduled visits as part of the FOG Control & Pretreatment Program to ensure compliance with this Ordinance.
- (d) City personnel will inspect FOG Facilities and equipment per the FOG Control & Pretreatment Program Facility Inspection & Compliance Checklist.

- (e) Based on the inspection, the Utility Director may require repair, modification, or replacement of FOG Equipment at the User's expense.
- (f) Based on the inspection, the Utility Director may issue a Notice of Violation, fines, penalties or enforcement actions as indicated in Division VII.
- (g) Re-inspection fees and reimbursement costs are considered in addition to fines and/or penalties associated with enforcement actions and are developed on a case-by-case basis. A fee of \$73 will be assessed to the user for each re-inspection.

#### **9-129 FOG Reporting and Recordkeeping Requirements**

The User of FOG equipment shall:

- (a) provide, on demand, to the Utility Director, sufficient information for the Utility Director to determine if the user is a FOG facility;
- (b) provide all records of service and maintenance on the FOG equipment to the Utility Director during inspections and upon request;
- (c) maintain written FOG equipment maintenance records for **one** year;
- (d) maintain FOG removal service tickets or manifests from FOG Equipment;
- (e) signature and date of FOG facility manager or responsible party confirming service completion;
- (f) report, in writing, their FOG equipment maintenance records to the Utility Director quarterly; and
- (g) report to the Utility Director, in writing, any discharge within 24 hours of an event.

#### **9-130 Changes in Ownership**

Any change in ownership of a FOG facility will be recognized as a new FOG facility and shall comply with the City's discharge limits in accordance with this Ordinance. In the event the occupant changes, building usage changes, and/or new construction occurs upon any FOG facility, and/or where a change in occupancy, change in building usage, and or new construction would cause a non-FOG facility to become a FOG facility, the User shall notify the Utility Director, in writing, of the changes within 30 days of the date the change takes place or prior to the installation of FOG equipment.

#### **9-131 FOG Facility Permit Modification**

A FOG facility may request a modification to an existing permit and/or FOG equipment if:

- (a) the User petitions the City for such modifications and provides all requested information, and, if in the Utility Director's opinion, the modification is warranted;
- (b) the User submits the Modification Request Form with the associated fee of \$100; and
- (c) the User submits the modification request prior to changing the FOG equipment or connections.

- (d) A User may apply for a modification based on demonstrated consistent use of Best Management Practices in dealing with FOG for at least 90 days.

### ***Division V. Industrial Pretreatment Program***

#### **9-132 Applicable Users**

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

- (a) An industrial user subject to Pretreatment Standards and issued a IWP Permit by the State,
- (b) A user meeting the definition of a SIU in accordance with Section 9-103, unless specifically exempted by the City, or
- (c) Any user deemed by the Utility Director that may have an adverse impact on the POTW.
- (d) For purposes of this section, CTRWD and Citizens Wastewater of Westfield are to implement a pretreatment program for applicable users in their respective customer bases that meets or exceeds the requirements of Division V.

#### **9-133 Industrial Waste Survey / User Inventory**

The Utility Director shall conduct an Industrial Waste Survey, at a minimum of once every two years, to determine the Industrial Users that discharge non-domestic wastewater to the POTW. The City uses this survey information to maintain an inventory of all Industrial Users. This inventory details each Industrial User, where it is located, the nature of the wastes being discharged, and whether or not they are an SIU. The Utility Director may issue a Notice of Violation of this Ordinance if an Industrial User fails to submit the survey to the POTW.

#### **9-134 SIU Requirements**

- (a) Any User proposing to connect or to discharge sewage, industrial wastes or other wastes to the sewerage system, or any other User on demand of the Utility Director, shall provide the Utility Director with sufficient information to determine if the facility is a SIU. The Utility Director will inform the User if it is determined the User is subject to this section.
- (b) A SIU holding an IWP Permit from the State of Indiana is prima facie and subject to this section. The holder of an IWP Permit from the State shall file with the Utility Director a copy of each report or application submitted to the State on the same day as it is filed with the State. Each User who applies to the State for an IWP Permit shall similarly file a copy of such application and all supporting documents with the Utility Director on the same day as the State.

#### **9-135 Changes in Facility Conditions or Discharge**

- (a) SIUs with an IWP Permit will follow the permit modification provisions described in their IWP Permit and submit copies to the Utility Director.
- (b) All other SIUs must notify the Utility Director of any planned changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least 90 days before the change.
- (c) The Utility Director may require the SIU to submit any information as may be deemed necessary to evaluate the changed condition. Planned significant changes include, but are not limited to:
  - (1) Expansion or addition of wastewater generating production lines or processes;
  - (2) Projected increases of 20% or greater in monthly flow over the previous year's highest monthly flow, or annual average flow over the previous year's annual average flow; and/or
  - (3) The discharge of any previously unreported pollutants.
- (d) The Utility Director shall review any proposed new or increased discharge to ensure it is admissible under Division III of this ordinance.
- (e) The City retain the right to deny any new or increased discharge in order to ensure compliance with this ordinance, state and federal pretreatment standards and requirements.

#### **9-136 Change in Ownership or Business**

- (a) SIUs with an IWP Permit will follow the permit transferability provisions described in their IWP Permit and submit copies to with the Utility Director.
- (b) All other SIUs with a change in ownership will be recognized as a new industrial facility and shall comply with the City's discharge limits in accordance with this Ordinance.
- (c) Discharge approval for an SIU shall not be reassigned or transferred or sold to a new owner, new User, different premises or a new or changed operation without prior notification to and approved by the Utility Director.
- (d) Any subsequent changes in the discharge or method of operation shall be reported to and approved by the Utility Director prior to the SIU's initiation of the changes.
- (e) If a change in a business occurs, the property owner and/or User shall inform the Utility Director of the change within 30 days, and inform the Utility Director of the new type of business that is currently operating at said location.

#### **9-137 Potential Problems**

- (a) SIUs with an IWP Permit will follow the Upset, accidental discharge, and bypass provisions described in their IWP Permit and submit copies to the Utility Director.
- (b) All other SIUs shall notify the Utility Director immediately of all discharges that could cause problems or harm to the POTW. This would include any of the incidences below:

- (1) Bypass of pretreatment facilities or equipment,
- (2) Accidental discharges,
- (3) Slug Load or Slug Discharge,
- (4) Batch or other non-customary discharges that could cause Pass Through or Interference at the POTW, and/or
- (5) Upsets.

#### **9-138 Notification to the City**

- (a) SIUs with an IWP Permit will follow the notification provisions described in their IWP Permit and submit copies to the Utility Director.
- (b) For all other SIUs, if an SIU knows in advance of a potential problem, it shall notify the Utility Director, if possible, at least 10 days before the date of the event.
  - (1) An SIU shall verbally notify the Utility Director of any unanticipated flow that exceeds prohibited discharges as described in Divisions III and V or other requirements as soon as the User becomes aware of the Bypass that is in violation.
  - (2) Verbal notifications shall include: the date, time, location and duration of the discharge; the type of waste including concentration and volume; any corrective actions taken by the User.
  - (3) If requested by the Utility Director, the SIU shall also provide a written notification within five days of the event. The written submission shall contain: a description of the bypass and its cause; the volume and duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the event.

#### **9-139 Pretreatment Program General Requirements**

- (a) SIUs shall provide necessary wastewater treatment as required, to comply with the most stringent limitations of this ordinance, Pretreatment Standards (40 CFR Chapter N, Subpart I) where applicable, State standards, and shall achieve compliance with all Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations, and with any other Pretreatment Standards by applicable deadlines.
- (b) SIUs required to pretreat wastewater shall provide, operate, and maintain the pretreatment facilities at the User's expense.
- (c) SIUs issued an IWP Permit shall also comply with this Ordinance.
- (d) Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Utility Director for review, and shall be approved by the Utility Director before construction of the facility. The review and approval of plans and operating procedures does not relieve the Industrial User from complying with the provisions of this ordinance and permit conditions.

- (e) Whenever deemed necessary, the Utility Director may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this ordinance.
- (f) The Utility Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.
- (g) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

#### **9-140 Monitoring of SIUs**

- (a) The Utility Director will conduct monitoring on all SIUs, no less than twice per calendar year.
- (b) Monitoring of SIUs can be either scheduled or unscheduled
- (c) The charge for each monitoring period shall be \$250 per day, plus all analytical costs.
- (d) SIUs with batch discharges shall notify the Utility Director at least 24 hours prior to discharge upon request of the Utility Director.
- (e) In addition to the monitoring fee, each SIU with an IWP Permit shall install at its own expense a suitable control manhole or other access means, together with such necessary appurtenances in or on each building lateral sewer to facilitate observations, sampling and measurement of the wastewater. Such manholes or other access means and sampling and testing devices shall be constructed and maintained in a safe and proper condition to the Utility Director's satisfaction, as detailed in building and plumbing codes and other applicable rules and regulations of the City and specified in Division II of this ordinance. Although this access point shall be constructed at the expense of the User, it shall be under the control of the City. If locating such facilities on a SIU's property would be impractical, the SIU may apply to the City for a right-of-way or for permission to construct on public property.
- (f) The City shall provide necessary sampling equipment during a monitoring period for control manholes or other access means. Sampling equipment shall, unless otherwise specified by the Utility Director, include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a 24 hour period. There shall be ample room in or near facilities to allow accurate sampling and preparation of samples for analysis.
- (g) The City shall implement the applicable monitoring requirements:
  - (1) During each monitoring period, measure the volume of flow and sample and analyze the discharge from each SIU for all parameters contained in the IWP Permit, with the exception of Total Toxic Organics (TTOs).

- (2) The City will follow the sample types, sample location and analytical methods identified in the user's IWP Permit or in accordance with 40 CFR Part 136.
- (3) Sample and analyze parameters to determine compliance with the requirements of Division III of this ordinance.

#### **9-141 Inspecting SIUs**

- (a) The Utility Director shall implement a program of inspecting all SIUs in accordance with the following minimum requirements:
  - (1) conduct inspections for each SIU, no less than once annually,
  - (2) during each inspection conducted, evaluate areas including, but not limited to, the following:
    - i. pretreatment system(s);
    - ii. spill reporting and response procedures;
    - iii. sampling location; and
    - iv. disposal of sludge and other waste streams not regulated by the IWP Permit,
  - (3) The Utility Director shall inspect any IU, including an SIU with an IWP Permit, as necessary to:
    - i. achieve and/or maintain compliance with the requirements of the NPDES permit; and/or
    - ii. determine compliance with the requirements of this Ordinance.
- (b) The Utility Director shall, for each inspection conducted, complete a report, utilizing an inspection report form that is at least equivalent to the form that is available from IDEM.
- (c) Industrial User inspections can be either scheduled or unscheduled. Scheduled inspections may be used when specific information is needed from specific facility personnel. However, unscheduled inspections may be needed to provide a more accurate reflection of an Industrial User's compliance status. Inspections are designed to allow the City to assess the following:
  - (1) Current compliance status,
  - (2) Completeness and accuracy of the facility's recordkeeping,
  - (3) Operation and maintenance of the facility's pretreatment system,
  - (4) Adequacy of the facility's self-monitoring and reporting requirements,
  - (5) Adequacy of imposed limits on pollutants of concern,
  - (6) Potential for spills and slug loadings,
  - (7) Facility's slug control plan or their need to develop one,
  - (8) Any non-compliances requiring resolution, and
  - (9) Facility data to be used in support of enforcement actions.

**9-142 Reporting Requirements for SIUs**

- (a) SIUs with an IWP Permit will follow the reporting provisions described in their IWP Permit and submit copies to the Utility Director.
- (b) All other SIUs shall follow the notification requirements described in Sections 9-135 through 9-138.
- (c) If a SIU samples their discharge and analyzes it for parameters described in Division III, the SIU will submit the analytical report to the Utility Director.

**9-143 Accidental Discharge/Slug Control/Solvent Management Plans**

- (a) All SIUs with an IWP Permit required to complete and submit a plan shall submit a copy of the plan(s) to the Utility Director for review.
- (b) The Utility Director shall evaluate whether other SIUs need a plan or other action to control slug discharges. The Utility Director may require any user to develop, submit for approval, and implement such a plan or take other action that may be necessary to control slug discharges. An accidental discharge/slug control/solvent management plan shall address, at a minimum, the following:
  - (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the Utility Director of any accidental or slug discharge that would violate a prohibition under 327 IAC 5-18 or Division III and procedures for follow-up written notification within five days;
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge including, but are not limited to, the following:
    - i. inspection and maintenance of storage areas,
    - ii. handling and transfer of materials,
    - iii. loading and unloading operations,
    - iv. control of plant site run-off,
    - v. worker training,
    - vi. building of containment structures or equipment,
    - vii. measures for containing toxic organic pollutants (including solvents), and
    - viii. measures and equipment for emergency response.

**9-144 Reservation of Sections for Future Use**

The following Sections are reserved for future use: 9-144 through 9-157.

***Division VI. Sewer Charges, Surcharges and Service Fees*****9-158 Persons Subject to Fees and Sewer Charges**

For the use and service rendered by the sewerage works, sewer charges shall be collected from the person who owns each and every parcel of real estate that is connected directly or indirectly to the City's sewerage system or otherwise discharges wastewater either directly or indirectly into the sewerage system of the City, which sewer charges shall be payable as provided in this article.

**9-159 Commencement of Charges Upon First Discharge and Extension to Additional Property**

The sewer charges fixed by this article shall become effective at the time the user first discharges to the sewerage system. These sewer charges shall be extended to and cover any additional premises thereafter served, without the necessity of any hearing or notice.

**9-160 Rate Basis**

The sewer flow charges shall be based on the quantity of water as measured by the water meter used on or in the premises subject to such sewer charges, except as otherwise provided in this article.

**9-161 Monthly Reading of Meters**

Water meters shall be read once each month, or at the option of the City, at other intervals.

**9-162 Reserved for Future Use**

**9-163 Procedure When Single Meter Serves More Than One User**

In the event two or more premises including apartments and trailers discharging wastewater into the City's sewerage system, either directly or indirectly, are consumers of water, and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill per month shall not be less than the number of such units times \$3.65. The Board may require that separate water meters be installed in any such case.

**9-164 Portion of Water Not Entering Sewerage System**

In the case of a user utilizing more than 1,000 gallons of water per average workday, who can substantiate to the City that a portion of said water does not and cannot enter the sewerage system, the Board shall either determine the portion of the measured water to be used in determining the appropriate sewer charges, or approve the manner and technique of flow measurement provided by the user for determining wastewater discharged to the sewerage system. Facilities utilized to accomplish this shall be installed and maintained in a serviceable condition by the user at his expense, but shall be under the exclusive control of the City.

**9-165 Sewer Billing Procedure Generally**

- (a) Sewer billings and invoices shall be rendered and collected approximately monthly.
- (b) The Board shall make and enforce such bylaws and regulations as may be deemed necessary for the regulation, collection, rebating and refunding of the sewer charges prescribed by this section of this article.
- (c) The Board may, on proper cause being shown by the applicant that in a singular occurrence, metered water did not reach the sewerage system, adjust the user's sewer charge with respect to such occurrence.

- (d) SIUs with a flow in excess of 50,000 gallons per average workday shall have billing determined on the basis of wastewater discharged as monitored per Section 9-140, except as described in (e) of this section.
- (e) At its option, the Board may accept monitoring data and information from such a SIUs to substantiate billing determination on a more frequent basis than as established in Section 9-140. Such allowance, however, does not exempt the SIU from the surveillance survey fee set by the Board to offset the costs of monitoring performed by the City.
- (f) In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the user may, within 30 days of billing, appeal to the Board.

**9-166 Residential Users of Sewer Services—Summer Sewer Relief.**

- (a) In order that residential users of sewer services shall not be penalized for watering their lawns during the months of May, June, July, August, September and October (the "Summer Sewer Relief period"), the billing for such sewer charges shall be calculated as follows:
 

The consumption for the previous five months of November through March shall be reviewed, and the lowest and highest consumption months during this period shall be omitted. The user's residential water consumption during the remaining three months shall be added together and the resulting sum divided by three. The result of this calculation shall constitute the number of gallons of consumption that will be charged to the residential user during the Summer Sewer Relief period. These charges will generally appear, so far as normal meter reading and monthly billing cycles allow, on the customer billings of June, July, August, September, October and November.
- (b) Any residential customer who does not have five months of applicable water usage from which to calculate Summer Sewer Relief pursuant to this section shall be billed as follows:
 

The City's Municipal Water Utility metering book water usage entries for the months included in the Summer Sewer Relief period shall be averaged and that usage averaged shall be the Summer Sewer Relief rate for customers lacking a full five month history of water consumption at their own residence.
- (c) Under either of the above billing procedures a residential customer shall not be billed more than its actual residential metered usage.
- (d) Residential sewage service, as applicable to the calculation of the Summer Sewer Relief pursuant to this section, shall apply to each lot, parcel of real estate or building which is, or intends to be, occupied and used as a residence. Summer Sewer Relief shall not apply to any premises that are used for industrial or commercial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating its commercial, industrial and residential water service so that the residential and commercial/industrial portions of the owner's premises are served through separate meters. In such case, the water usage as registered by the water meter used for the residential portion of the premises shall qualify for Summer Sewer Relief so long as there actually is a yard to be watered and the other terms and conditions of this section are met.

**9-167 Tenants May Be Billed; Right of Owners to Examine Records.**

The sewer charges may be billed to the tenants occupying the premises served, unless otherwise instructed in writing by the person who owns the premises. Such billings shall in no way relieve the owner of liability in the event payment is not made as herein required. The owners of the premises served, which are occupied by tenants, shall have the right to examine the collection records of the City for the purposes of determining whether such sewer charges have been paid by such tenants; provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.

**9-168 Liability of City for Charges.**

For the service rendered to any department or agency of the City, except the Sewer Department, the City shall be subject to the sewer charges provided herein.

**9-169 Surcharge Based on Flow and Concentration of Wastewater.**

- (a) All wastewater discharged by major contributors shall meet the admissibility standards in Division III of this article, by pretreatment if necessary, as determined by the Utility Director. Wastewater beyond the limits of admissibility set forth in Division III may be accepted and surcharged in accordance with the schedule in Section 9-170.
- (b) Surcharges shall be based on actual quantities discharged for treatment as determined from measured concentration and flow. Surcharge rates for wastewater characteristics not provided for herein may be set at the reasonable discretion of the Board, taking into account all of the City’s significant cost factors, relating to treatment, handling and disposal.

**9-170 Rates of Surcharge.**

The rate of surcharge, in addition to volumetric charges, for the following constituents shall be as follows:

- (a) For CBOD in excess of 250 mg/L: 15.7 cents per pound;
- (b) For COD where BOD cannot be determined in excess of 500 mg/L: 15.7 cents per pound;
- (c) For suspended solids in excess of 250 mg/L: 12.4 cents per pound.
- (d) For ammonia in excess of 15 mg/L: 12.4 cents per pound.

**9-171 Sewer Charges.**

- (a) *Users served by metered water supply.* For the use and the service rendered by said sewage works, users who are served by a metered water supply shall pay a Monthly Base Charge plus a Monthly Flow Charge. The Monthly Base Charge shall be based upon the size of the water meter installed. The Monthly Flow Charge shall be a volumetric charge per 1,000 gallons of water used. The Monthly Base Charge and Monthly Flow Charge shall be in accordance with the following schedules:

**MONTHLY BASE CHARGE**

Meter Size	User Charge
5/8-inch, 3/4-inch	\$8.46

Meter Size	User Charge
1-inch	18.01
1-1/2-inch	38.92
2-inch	65.61
3-inch	148.19
4-inch	262.50
6-inch	586.47
8-inch	866.75
10-inch	1,147.03

**MONTHLY FLOW CHARGE**

Charge per 1,000 gallons	4.22

- (b) *Users not served by metered water supply.* For the use and service rendered by said sewage works, users who are not served by a metered water supply shall pay a flat Monthly Sewer Charge of \$34.97.
- (c) *Annual COLA Increase.* Subject to the modifications set forth in subsections (d) and (e) herein, on January 1 of each year, beginning in 2017, a 3% Cost of Living Adjustment (“COLA”) shall be added to the previous year’s rates and charges for all customers. This 3% increase shall occur automatically each year unless and until such time that the Carmel City Council amends or adjusts the percentage increase for the next calendar year or otherwise amends this subsection.
- (d) *CTRWD.* For the use and service rendered to CTRWD on an after the date specified below, the following rates and charges shall apply:

Date	Volumetric Charge/1,000 Gallons	Minimum Daily Charge
November 1, 2015	\$ 1.3537	\$2,369.05
November 1, 2016	\$ 1.3909	\$2,434.20
November 1, 2017	\$ 1.4292	\$2,501.14
November 1, 2018	\$1.4685	\$2,569.92

These charges are in addition to the other rates and charges set forth in the Agreement between the City of Carmel and the CTRWD executed October 2010 pursuant to the Carmel City Code.

- (e) *Citizens Wastewater of Westfield.* The City serves Citizens Wastewater of Westfield under the Westfield Agreement. Citizens Wastewater of Westfield shall be subject to a volumetric charge of \$1,514.62 per million gallons. This rate is not subject to the COLA, but shall be periodically reviewed and adjusted as provided in the Westfield Agreement. This rate shall be in addition to the other rates and charges set forth in the Westfield Agreement.

**9-172 Board to Determine Rates, Charges, and Fees for Septic Tanks, Industrial Wastes, Etc.**

The Board is empowered to determine rates, charges and fees for septic tank, industrial wastes, and other disposable wastewater and wastes delivered to the wastewater treatment plant, and to collect such charges and fees as provided in this Ordinance.

**9-173 Board to Review Special Agreements**

The Board is empowered to determine and to collect such charges as it may reasonably provide for under special agreements entered into by the Board, on behalf of the City, under Section 9-123.

**9-174 Delinquent Accounts**

- (a) Charges for sewerage service levied pursuant to this article shall be due and payable on or before the due dates shown on the bills.
- (b) All payments for sewer service must be received in the Office of the Carmel Utilities Department within 18 days from the billing date stated on the bill. Failure of a user to make timely payment shall subject the user to a late charge of 10%.
- (c) Submission of any delinquent account to any attorney or appointed Utility employee for collection shall entitle the City to recover reasonable attorney's fees, lien costs or court costs or any other expenses incurred by the City in the collection process.

**9-175 Reserved for Future Use**

***Division VII. Enforcement Actions***

**9-176 Purpose and Administration**

This Ordinance provides the Utility Director and Board the authority to enforce the conditions of this Ordinance.

**9-177 Informal Notice**

- (a) Verbal Warning

Whenever the Utility Director finds that any User has violated or is violating this Ordinance, a verbal warning may be issued. A verbal notification is issued either by telephone or in person and is for a first time or isolated incident of non-compliance, or as the first step leading to an escalated enforcement action.

- (b) Written Warning

A warning letter may be issued under the same circumstances as a verbal warning. It can be used as a follow-up to a verbal warning, or in lieu of a verbal warning. Electronic mail correspondence is acceptable as a written warning.

- (c) Informal Meeting

An informal meeting may be convened by the Utility Director to gather information from a User concerning non-compliance, discuss steps to eliminate the non-compliance, and to determine the commitment of the User towards a resolution.

**9-178 Notice of Violation (NOV)**

- (a) Whenever the Utility Director finds that any User has violated or is violating this Ordinance, or an IWP Permit or order issued hereunder, the Utility Director may issue the User a written NOV. This is usually, but not necessarily, issued for a second or recurring violation. Electronic mail correspondence is acceptable.
- (b) Within 10 days of the receipt date of the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Utility Director. Submission of this plan in no way relieves the User of liability or possible administrative fines for this violation or any others occurring before or after receipt of the NOV.

#### **9-179 Administrative Orders**

The Utility Director may enter into Administrative Orders (AO), assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document.

#### **9-180 Compliance Schedule**

When the Board finds that a User has violated, or continues to violate, any provision of this Ordinance, IWP Permit or other requirements or standards, the Board may require the User to submit a detailed time schedule of specific actions, acceptable to the Board, which the User shall take in order to prevent or correct a violation of this Ordinance, which shall be referred to herein as a Compliance Schedule. If the User does not comply with the Compliance Schedule, sewer service shall be discontinued unless adequate treatment facilities, devices, additional self-monitoring, management practices, or other related appurtenances are installed, properly operated, and compliance is achieved.

#### **9-181 Show Cause Hearing**

The Board may order a User which has violated, or continues to violate, any provision of this Ordinance, IWP Permit or other requirements or standards, to appear before the Board in a formal meeting to show cause why an escalated enforcement action should not be taken. The notice of this meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any property owner, principal executive, general partner or corporate officer. Whether or not a duly notified User appears as noticed, enforcement action may be pursued as appropriate.

#### **9-182 Cease and Desist Order**

- (a) When the Board finds that a User has violated, or continues to violate, any provision of this Ordinance, IWP Permit, other requirements or standards, or an issued order, the Board may issue an order to the User directing it to:
  - (1) Immediately comply with all requirements;
  - (2) Comply in accordance with a Compliance Schedule; or
  - (3) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

- (b) The Utility Director may suspend the wastewater treatment service of a User whenever it is necessary to stop an actual or threatened discharge that is presenting or causing an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.
- (c) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **9-183 Termination of Service**

- (a) Termination of Service is a revocation of the User's privilege to discharge wastewater into the sewer system. This may be accomplished by physical separation of the User's connection to the collection system, through the issuance of a Cease and Desist order as set forth in Section 9-182, or the Utility Director may have the User's incoming water service shut off.
- (b) Any User who violates or continues to violate conditions of this ordinance, an SIU Permit, a previously issued order, or any applicable State or Federal law, or the following conditions, is subject to Termination of Service.
  - (1) Repeated failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (2) Repeated failure to report significant changes in operations or wastewater volume, constituents and characteristics;
  - (3) Repeated refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
  - (4) Violation of IWP Permit conditions or Pretreatment Standards.
- (c) Noncompliant Users shall be notified by the Utility Director of the proposed termination of their SIU Permit, or privilege to discharge to the sewer system, and be offered an opportunity to show cause under Section 9-181 of this ordinance.
- (d) *Citizens Wastewater of Westfield and CTRWD.* The City provides service to both Citizens Wastewater of Westfield and CTRWD pursuant to certain agreements approved by the Board and this Ordinance. Pursuant to those agreements and this Ordinance, Citizens Wastewater of Westfield and CTRWD are responsible for monitoring, investigating, and reporting the flows of their respective customer bases subject to the requirements of Division V of this Ordinance to ensure compliance with the terms and conditions of the Carmel NPDES Permit. If the Utility Director determines that either Citizens Wastewater of Westfield and CTRWD has a customer connection introducing flow which causes a violation of one of their respective agreements or this Ordinance, and Citizens Wastewater of Westfield and CTRWD, as the case may be, has not terminated the customer connection, then the Utility Director has the authority to pursue the remedies set forth in the applicable agreement.

### **9-184 Administrative Fines**

- (a) The City through the Board has the authority to issue and assess Administrative Fines to Users in violation of this ordinance, IWP Permit of other state and federal regulations or standards.
- (b) In accordance with Pretreatment Standards and the City's NPDES Permit, the City through the Board may impose a fine for noncompliance by an SIU issued a IWP Permit of not more than \$2,500 per day, per violation for a first violation; no more than \$7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8 (a)(10)(B). The Board will follow the developed Enforcement Response Plan to provide consistent enforcement responses and fines for similar violations and circumstances for IWP Permits.
- (c) Notwithstanding any other section of this ordinance, any other User or FOG Facility who is found to have violated any provision of this ordinance or orders issued hereunder shall be issued a NOV and may be fined by the City through the Board in an amount not less than \$100, and not to exceed \$2,500 per violation, per day for a first violation. The Board may impose a fine of no more than \$7,500 per day for each subsequent violation in accordance with IC 36-1-3-8(a)(1)(B) and the Emergency Response Plan.
- (d) Re-inspections will occur for incidences issued a NOV. Re-inspection fees and reimbursement costs are considered in addition to administrative fines. Reimbursement costs are developed on a case-by-case basis. A fee of \$73 may be assessed to the user for each re-inspection.
- (e) Each day on which a noncompliance occurs or continues shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the City shall have such other collection remedies as it must collect other service charges.
- (f) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, remediation expenses, maintenance expenses, and the cost of any actual damages incurred by the City.
- (g) Unpaid charges, fines, and penalties may constitute a lien against the individual User's property. Users desiring to dispute such fines must file a request for the Board to reconsider the fine within 30 days of being notified of the fine. The Board shall convene a hearing on the matter within 30 days of receiving the request from the User.

### **9-185 Judicial Remedies**

If any User discharges pollutants into the wastewater disposal system contrary to the provisions of this Ordinance or any order or permit issued hereunder, the City may commence an action for appropriate legal and/or equitable relief.

- (a) Injunctive Relief.

Whenever a User has violated, or continues to violate, any provision of this Ordinance, IWP Permit, other requirements or standards, or an issued order, the City may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the User. The

City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

(b) Civil Litigation

- (1) Any User who has violated or continues to violate this Ordinance or any order or permit issued hereunder, shall be liable to the City for actual damages incurred by the City per violation per day for as long as the violation continues.
- (2) In addition to damages, the City may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling, monitoring and analysis expenses.

**9-186 Affirmative Defenses**

- (a) An Upset shall constitute an affirmative defense to an action brought for noncompliance with Pretreatment Standards.
  - (1) The User must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - i. An Upset occurred and the User can identify the cause(s) of the Upset;
    - ii. The facility was at the time being operated in a prudent and workman-like manner and in compliance with the applicable operation and maintenance procedures; and
    - iii. The User has submitted the following information to the Utility Director within 24 hours of becoming aware of the Upset [if this information is provided orally, a written submission must be provided within five days]:
      - (A) A description of the indirect discharge and cause(s) 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.
  - (2) In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
  - (3) Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Pretreatment Standards.
  - (4) Users shall control production of all discharges to the extent necessary to maintain compliance with 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.

- (b) A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Discharge Prohibitions contained in Division III, above, if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:
  - (1) A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during the Pass Through or Interference; or
  - (2) No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City was regularly in compliance with the City's NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.
- (c) Bypass
  - (1) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (c)(2) and (3), below.
  - (2) Bypass notifications
    - i. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Utility Director at least 10 days before the date of the bypass, if possible.
    - ii. A User shall submit oral notice to the Utility Director of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the User becomes aware of the bypass. The written submission shall contain:
      - (A) A description of the bypass and its cause(s);
      - (B) The duration of the bypass, including exact dates and times;
      - (C) If the bypass has not been corrected, the anticipated time it is expected to continue; and
      - (D) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
    - iii. The Utility Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
  - (3) Bypass is prohibited, and the City may take an enforcement action against a User for a bypass, unless:

- i. Bypass was unavoidable to prevent loss of life, personal injury, or Severe Property Damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - iii. The User submitted notices as required in paragraph (2), above.
- (4) The City may approve an anticipated bypass, after considering its adverse effects, if the Utility Director determine that it will meet the three conditions listed in paragraph (3), above.

### **9-187 Administrative Appeals**

- (a) Any User affected by any decision, action or determination including cease and desist orders, made by the Utility Director interpreting or implementing the provisions of this ordinance, any permit issued herein or any action, decision, or regulation of the Board adopted pursuant hereto, may file with the Board a written request for review and reconsideration within 10 days of such a decision, action or determination setting forth in detail the facts supporting the User's request for reconsideration.
- (b) The appeal shall, if reasonably possible, be heard by the Board within 30 days from the date of filing. The Utility Director's decision, action, or determination shall remain in effect during such period of reconsideration, unless the Board otherwise determines on request of the User.

### **9-188 Annual Publication of Users in Significant Noncompliance**

The Utility Director shall publish, at least annually, in the largest daily newspaper circulated in the service area, a list of those Users which are found to be in significant non-compliance, as defined in Section 9-103 of this Ordinance, with any provisions of this Ordinance or any permit or order issued hereunder during the period since the previous publication.”

Section 3. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, as of the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 4. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

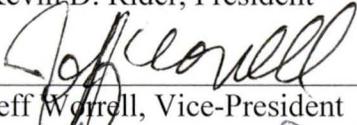
Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor and such publication as required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this 18<sup>th</sup> day of June, 2018, by a vote of 6 ayes and 0 nays.

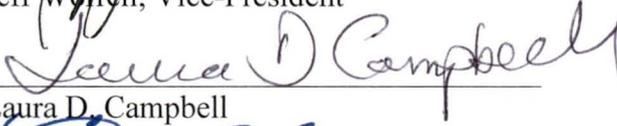
**COMMON COUNCIL FOR THE CITY OF CARMEL**

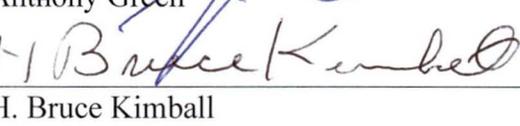
  
Kevin D. Rider, President

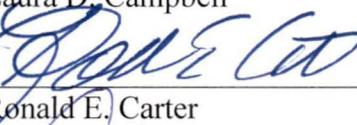
Not Present  
Sue Finkam

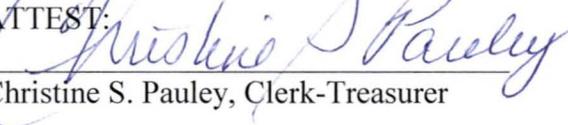
  
Jeff Worrell, Vice-President

  
Anthony Green

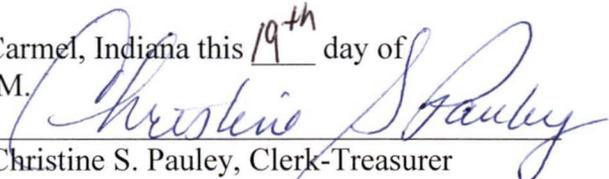
  
Laura D. Campbell

  
H. Bruce Kimball

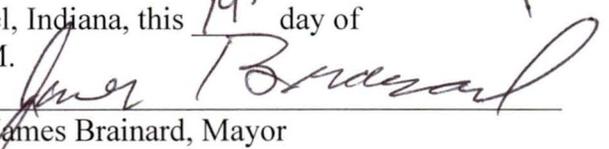
  
Ronald E. Carter

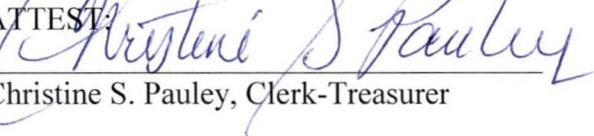
ATTEST:  
  
Christine S. Pauley, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this 19<sup>th</sup> day of June, 2018, at 10:15 A.M.

  
Christine S. Pauley, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this 19<sup>th</sup> day of June, 2018, at 2:50 P.M.

  
James Brainard, Mayor

ATTEST:  
  
Christine S. Pauley, Clerk-Treasurer

This document was prepared by Wessler Engineering on behalf of City of Carmel Utilities.