

WEST CENTRAL CONSERVANCY DISTRICT  
AMENDED AND RESTATED SEWER USE RESOLUTION

RESOLUTION NO. 2022-0418-2

A Resolution Amending and Restating the West Central Conservancy District Sewer Use Resolution 2021-0419-1, regulating the connection to and use of public and private Sewers and drains, the installation and connection of Sanitary Sewers and the discharge of waters and wastes into the Public Sewer system of the West Central Conservancy District and providing for damages for violation thereof.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WEST CENTRAL CONSERVANCY DISTRICT:

**SECTION 1.0 – GENERAL PROVISIONS**

**1.1 PURPOSE AND POLICY**

This Amended and Restated Sewer Use Resolution (“Resolution”) sets forth requirements for Users of the Wastewater collection and Sewage Treatment Works (STW) of West Central Conservancy District and enables the District to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), and the General Pretreatment Regulations (40 CFR Part 403). The objectives of this Resolution are:

- A. To prevent the introduction of pollutants into the STW that will interfere with the operation of the STW;
- B. To prevent the introduction of pollutants into the STW which will Pass Through the STW, inadequately treated, into receiving waters or otherwise be incompatible with the STW;
- C. To ensure that the quality of the STW Sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations;
- D. To protect STW personnel who may be affected by Wastewater and Sludge in the course of their employment and to protect the general public;
- E. To improve the opportunity to recycle and reclaim Wastewater and Sludge from the STW;
- F. To provide for fees for the distribution of the cost of operation, maintenance, and improvement of the STW; and
- G. To enable the District to comply with its NPDES permit conditions, Sludge use and disposal requirements and any other Federal or State laws to which the STW is subject.

This Resolution shall apply to all Users including but not limited to Residential, Commercial, and Industrial Users of the STW. This Resolution authorizes the issuance of Wastewater

Discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires Industrial User reporting; and provides for the setting of fees for the distribution of costs resulting from the program establish herein.

## 1.2. ADMINISTRATION

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

## 1.3 ABBREVIATIONS

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

- BOD – Biochemical Oxygen Demand
- CFR – Code of Federal Regulations
- COD – Chemical Oxygen Demand
- EPA – U.S. Environmental Protection Agency
- gpd – gallons per day
- mg/L – milligrams per liter
- NH<sub>3</sub>-N – Ammonia Nitrogen
- NPDES – National Pollutant Discharge Elimination System
- PO<sub>4</sub>P - Phosphorus
- RCRA – Resource Conservation and Recovery Act
- SIC – Standard Industrial Classification
- STW – Sewage Treatment Works
- TSS – Total Suspended Solids
- U.S.C. – United States Code

## 1.4. DEFINITIONS

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

- A. “Act” or “the Act”. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33, U.S.C. 1251 et seq; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.
- B. “Approval Authority”. The Commissioner of the Indiana Department of Environmental Management.
- C. “Authorized Representative of the Industrial User”. The Authorized Representative of an Industrial User shall be:
  - 1. A principal executive officer of at least the level of Vice President if the Industrial User is a corporation; or

2. A general partner, member or managing member, or proprietor if the Industrial User is a partnership, limit liability company or sole proprietorship; or
  3. A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee if the Industrial User is a Federal, State, or local governmental facility; or
  4. The individuals described in Paragraphs 1-3 above may designate another Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the Discharge originates or having overall responsibility for environmental matters for the User and the written authorization is submitted to the District.
- D. "Biochemical Oxygen Demand (BOD)". The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees centigrade (20°C) expressed in parts per million (ppm) or in terms of mass and concentration milligrams per liter (mg/L).
- E. "Bypass". The intentional diversion of wastestreams from any portion of an Industrial User's treatment facility.
- F. "Categorical Pretreatment Standard or Categorical Standard". Any regulation containing pollutant Discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- G. "Chemical Oxygen Demand (C.O.D.)". of Sewage, Sewage Effluent, polluted waters, or industrial wastes in 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.
- H. "Color". The optical density at the Visual wavelength of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.
- I. "Commercial User". A non-residential user which may discharge substances other than Normal Domestic Sewage to the STW from commercial establishment including, but is not limited to restaurants and other food preparation businesses, laundry and dry cleaning establishments, beauty and barbershops, small machine and automobile repair shops, service stations, car washes, product packaging or repackaging plants, public or private nonresidential buildings and shall include any grease, oil, solvents, sludge or other material removed from any sewage disposal system.

- J. “Compatible Pollutant”. Shall mean biochemical oxygen demand, suspended solids, pH, and *E. coli* bacteria, and ammonia.
- K. “Composite Sample”. The sample resulting from the combination of individual Wastewater samples taken at selected intervals based on an increment of either flow or time.
- L. “District” shall mean the West Central Conservancy District or any duly authorized officials.
- M. “District Manager” shall mean the Person designated by the Board to supervise the operations of the District or the authorized deputy, agent, or representative as designated by the District Manager.
- N. “E. coli”. Any of a number of organisms common to the intestinal tract of man and animals, whose presence in Sewage is an indicator of pollution.
- O. “Easement”. An acquired legal right for the specific use of land owned by others.
- P. “Effluent”. Water, together with any wastes that may be present, flowing out of a drain, Sewer, receptacle, or outlet.
- Q. “Environmental Protection Agency or EPA”. The U.S. Environmental Protection Agency or, where appropriate, the term may be used as a designation for the Regional Water Management Division Director or other duly authorized official of said agency.
- R. “Floatable Oil”. Oil, fat, or grease in a physical state, such that will separate by gravity from Wastewater by treatment in a Pretreatment facility approved by the District.
- S. “FOG”. (All Fats, Oils and Grease, Petroleum Products and By-Products.) Fats, Oils and Grease as typically found in food service facilities include but are 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 typically 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 136, as may be amended from time to time.
- T. “FOG Pretreatment Device”. Includes oil-water separators, grease traps, and/or grease interceptors.
- U. “Foundation Drain”. That portion of a building drainage system provided to drain ground water from the outside of the foundation or under the basement floor, not including any Sewage.

- V. “Garbage”. Solid wastes from the domestic and Commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- W. “Grab Sample”. A sample, which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- X. “Grease Interceptor”. An outdoor, water-tight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the STW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 1,000 gallons to serve one or more fixtures and shall be located outside the building.
- Y. “Grease Trap”. An indoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the STW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. A maximum of four (4) fixtures shall be connected to a grease trap.
- Z. “Hazardous Waste”. Waste regulated as Hazardous Waste under Federal Law if: (i) It exhibits one or more of the following four characteristics: ignitability, corrosivity, reactivity, and toxicity (based on EPA extraction procedures) – this is a characteristic waste under RCRA; or, (ii) it (or any part of it) is listed in 40 CFR 261.31-261.33, it is commonly called a listed waste in RCRA regulations.
- AA. “Health Officer” means the health officer of State, County, and District.
- BB. “Holding Tank Waste”. Any waste from holding tanks, including but not limited to chemical toilets, campers, trailers, septic tanks, vacuum pump trucks.
- CC. “Indiana Department of Environmental Management” (IDEM). The State of Indiana agency, which together with U.S. EPA has the responsibility to regulate the wastewater treatment activities of the West Central Conservancy District.
- DD. “Indirect Discharge or Discharge”. The introduction of pollutants into the STW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act, including holding tank waste discharged into the system.
- EE. “Industrial User”. Any user of the STW who discharges, causes or permits the discharge of non-domestic wastewater into the STW.
- FF. “Industrial Wastewater”. The liquid and water carried wastes discharged from any industrial and/or manufacturing processes, trade, or business including but not limited to the wastewater from pretreatment facilities and polluted cooling water exclusive to Sewage.

- GG. “Infiltration”. The water entering a Sewer system including building drains and Sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections and manholes and manhole walls or from drainage pipes constructed to remove groundwater from areas such as building foundations and farm fields. (Infiltration does not include and is distinguished from inflow.)
- HH. “Infiltration/Inflow”. The total quantity of water from both Infiltration and Inflow without distinguishing the source.
- II. “Inflow”. The water discharge into a Sewer system, including building drains and Sewers, from such sources as, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, unpolluted cooling waste discharges, drains from springs and swampy areas, manhole covers, cross connection from Storm Sewers and combined Sewers, catch basins, Storm Water, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguished from Infiltration.)
- JJ. “Influent”. The water, together with any wastes that may be present, flowing into a drain, Sewer, receptacle, or outlet.
- KK. “Inspector”. The Person duly authorized by the District Manager to inspect and approve the installation of Sewers, Laterals, and/or connections to the STW.
- LL. “Instantaneous Maximum Allowable Discharge Limit”. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or Composite Sample collected, independent of the industrial flow rate and the duration of the sampling event.
- MM. “Interference”. A Discharge, that, alone or in conjunction with a Discharge or Discharges from other sources, does one (1) of the following:
1. Inhibits or disrupts the STW, its treatment processes or operations, its Sludge processes, or its selected Sludge use or disposal methods.
  2. Causes a violation of any requirement of the STW’s NPDES permit, including an increase in the magnitude or duration of a violation.
  3. Prevents the use of the STW’s Sewage Sludge or its Sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:
    - a. Section 405 of the Clean Water Act (33 U.S.C. 1345).
    - b. The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
      - i. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
      - ii. The rules contained in any state Sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
    - c. The Clean Air act (42 U.S.C. 7401).

d. The Toxic Substances Control Act (15 U.S.C. 2601).

NN. “Lateral (Sewer Lateral)”. The extension from the building drain to the Public Sewer or other place of disposal.

OO. “Medical Wastes”. Isolation wastes, infectious agents, human blood and blood by-products, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

PP. “NH<sub>3</sub>-N” shall mean the same as Ammonia Nitrogen, which is the portion of the water or Sewage or other liquid waste present in the form of ammonia ion or in the equilibrium  $\text{NH}^+ + \text{NH}_3 + \text{H}$ .

QQ. “Natural Outlet”. A channel in which water flows into a Watercourse, pond, ditch, lake, or other body of surface or groundwater.

RR. “New Source”.

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

- a. Begun, or caused to begin as part of a continuous onsite construction program:
  - i. Any placement, assembly, or installation of facilities or equipment, or
  - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - iii. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- SS. “Non-contact Cooling Water”. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- TT. “Normal Domestic Sewage” (for the purpose of determining surcharges) shall mean Wastewater or Sewage having an average daily concentration as follows:
  - 1. BOD not more than 300 mg/L
  - 2. S.S. not more than 270 mg/L
  - 3. NH<sub>3</sub>-N not more than 30 mg/L
  - 4. PO<sub>4</sub>-P not more than 4 mg/L
  - 5. Fats, grease and oils not more than 100 mg/L
- UU. “Oil-Water Separator”. A device which utilizes the difference in density between oil, petroleum products or chemical products and water for removal.
- VV. “pH”. A measure of the acidity or alkalinity of a substance measured as the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- WW. “Pass Through”. A discharge, which exits the STW into the waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the District’s NPDES permit (including an increase in the magnitude or duration of a violation).



- XX. “Person”. Any individual, partnership, corporation, firm, company, association, society, corporation, joint stock company, limited liability company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, or local governmental entities.
- YY. “Pollutant”. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, filter backwash, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rocks, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
- ZZ. “Premises”. A parcel of real estate including any improvement thereon which is determined by the District to be a single User for purposes of receiving, using, and service. Any additional improvement on the same parcel of real estate, which is determined by the District to be a User, shall be separately connected to the Sewer for the purpose of receiving, using, and service.
- AAA. “Pretreatment”. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater prior to or in lieu of introducing such pollutants in the STW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes or by the means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment standard.
- BBB. “Pretreatment Requirements”. Any substantive or procedural requirement related to Pretreatment imposed on an Industrial User, other than a Pretreatment standard.
- CCC. “Pretreatment Standards or Standards”. Pretreatment Standards shall mean prohibitive discharge standards, categorical Pretreatment standards, and local limits as contained in any Federal or State regulatories or contained in this Resolution.
- DDD. “Prohibited Discharge Standards or Prohibited Discharges”. Absolute prohibitions against the discharge of certain substances; those prohibitions appear in Section 2.3 of this Resolution.
- EEE. “Properly Shredded Garbage”. The wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in Public Sewers, with no particle greater than one-half (1/2) inch in any dimension.
- FFF. “Public Sewer”. Any sanitary sewer owned, operated, and maintained by the District and shall include but not be limited to the following:
1. Collection Sewer. A Sewer whose primary purpose is to collect Wastewater from individual point source discharges.

2. Interceptor Sewer. A Sewer whose primary purpose is to transport Wastewater from collection Sewers to a Treatment Plant.
  3. Force Main. A pipe in which Wastewater is carried under pressure.
  4. Lift Station. A station positioned in the STW which Wastewater is pumped to a higher level.
- GGG. "Sanitary Building Drain". That part of the lowest horizontal piping of the sanitary drainage system inside the walls of any building, which receives the discharge from soil or waste stacks and branches and conveys the same to a point three (3) feet outside the building walls where it connects with its respective Sewer Lateral.
- HHH. "Sanitary Sewer". A Sewer which carries Wastewater, and into which storm, surface, and ground waters are not intentionally discharged.
- III. "Septic Tank Waste". Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- JJJ. "Service Area". The area described in the Order of Establishment of the West Central Conservancy District entered by the Hendricks Circuit Court dated February 28, 1992 and any subsequent additions or deletions pursuant to an order of the Hendricks Circuit Court.
- KKK. "Sewage". Human excrement and gray water (household showers, dishwashing operations, etc.).
- LLL. "Sewer" shall mean a pipe and/or conductor for carrying Wastewater.
- MMM. "Sewage Treatment Works or (STW)". A "treatment works" as defined by Section 212 of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 *et seq.*, which is owned by the District. This definition includes any devices or systems used in the collection, pumping, storage, treatment, recycling, and reclamation of Sewage or industrial wastes and any conveyances, which convey Wastewater to a treatment plant. The term also means the West Central Conservancy District, which has jurisdiction over the Industrial Users and responsibility for the operation and maintenance of the Sewage Treatment Works.
- NNN. "Significant Industrial User". Shall apply to: (a) Users subject to categorical Pretreatment standards; or (b) any other User that (i) discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater); (ii) contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment plant; or (iii) is designated as such by the District on the basis that the User has a reasonable potential for adversely affecting the STW's operation or its sludge use or disposal or for violating any Pretreatment Standard or Requirement.

- OOO. “Sludge”. Any solid, semi-solid, or liquid waste generated from a municipal, Commercial, or Industrial Wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Federal Act in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act and Title 329 of the Indiana Administrative Code.
- PPP. “Slug Load”. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.3 of this Resolution or any Discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or non-customary batch discharge which has reasonable potential to cause interference or pass through or in any other way violate any requirement of this resolution or the District’s NPDES permit.
- QQQ. “Standard Industrial Classification (SIC) Code”. A Classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- RRR. “Storm Sewer” shall mean a pipe and/or conductor for conveying water, storm, and groundwater and drainage or Unpolluted Water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- SSS. “Storm Water”. Any flow occurring during or following any form of material precipitation, and resulting there from, including snowmelt.
- TTT. “Suspended Solids”. The total suspended matter that floats on the surface of, or is suspended in water, Wastewater, or other liquid, and which is removable by laboratory filtering. This concentration shall be expressed in milligrams per liter.
- UUU. “Total Solids”. The sum of Suspended Solids and dissolved solids.
- VVV. “Toxic Amount”. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.
- WWW. “Toxic Pollutant”. One of the pollutants, or combination of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33U.S.C. 1317) of the Act, as well as any other known potential substance capable of producing toxic effects.
- XXX. “Treatment Plant Effluent”. Any discharge of pollutants from the STW into waters of the State.
- YYY. “Unpolluted Water”. Water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by Discharge to the STW.

ZZZ. “Upset”. An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in this Resolution due to factors beyond the reasonable control of the User, but Upset does not include non-compliance to the extent caused by improperly designed treatment facilities, operational error, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

AAAA. “User”. Any Person that contributes, causes, or permits the contribution of Wastewater into the Sewage system.

BBBB. “Volatile Organic Matter”. The material in the Sewage solids transformed to gases or vapors when heated at 55 degrees centigrade (55°C) for fifteen to twenty (15-20) minutes.

CCCC. “Wastewater”. Liquid and water carried industrial wastes, and Sewage from residential or commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are Discharged to the STW.

DDDD. “Wastewater Treatment Plant or Treatment Plant”. That portion of the Sewage Treatment Works designed to provide treatment of Sewage and industrial waste.

EEEE. “Watercourse”. A natural or artificial channel for the passage of water either continuously or intermittently.

## **SECTION 2.0 - GENERAL SEWER USE REQUIREMENTS**

### **2.1 GENERAL REQUIREMENTS**

- A. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, including industrial or commercial business, situated within the Service Area and abutting on any street, alley, Easement, or right-of-way in where there is now located or may in the future be located a public Sanitary Sewer of the District or there is an available Sanitary Sewer within three hundred (300) feet of the property in accordance with applicable laws is hereby required at their expense to connect such facilities directly with the Public Sewer in accordance with the provisions of this Resolution within ninety (90) days after the day of official notice to do so, notwithstanding whether or not the facilities are served by any private sewage disposal system.
- B. No unauthorized Person shall uncover, make any connection with or opening into, use, alter, or disturb any District Sewer or appurtenance thereof without first obtaining a permit from the District.
- C. It shall be the responsibility of the property owner to pay for the cost of constructing the Sewer Lateral from the building to the Public Sewer. It shall be the responsibility of the property owner to pay for the cost of maintaining the Sewer Lateral from the building to the Public Sewer main including the Sewer Lateral fitting which connects the Sewer Lateral to the Public Sewer. There may

be circumstances in which the District Manager may deviate from this requirement if it is in the best interest of the District to do so.

- D. There shall be charged a System Development Charge in addition to any other fees as set forth in the applicable Rate Resolutions (collectively the “Fees”) from time to time passed by the Board of Directors of the District.
- E. No permit for connection to the District’s STW shall be furnished until a Sewer application has been completed and submitted to the District and all Fees paid.
- F. No statement contained in this Resolution shall be construed to interfere with any additional requirements that may be imposed by the County and State Health Officers.

## 2.2 SEWER LINE AND ATTACHMENTS

- A. A separate and independent Sewer Lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private Sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the Sewer Lateral from the front building may be extended to the rear building and the whole considered as one Sewer Lateral provided, however, for rate purposes, each building’s potential capacity will be accumulated.
- B. Old Sewer Laterals may be used in connection with new buildings only when they are found, after examination and testing by the District, to meet all requirements of new sewer laterals and this Resolution.
- C. The construction of all Sewers, components, systems or private Sewers which connect to the District’s Sewer system shall comply with the requirements of the Indiana Department of Environmental Management requirements as contained in 327 IAC 3. The acceptance of the applicability of these standards to all Sewers shall be considered part of the terms for the approval of connection to the District’s Sewer system.
- D. The size and slope of the Sewer Lateral shall be subject to the approval of the District pursuant to the latest version of the Sewer Connection Guidance, but in no event shall the diameter be less than four (4) inches. The slope of such four (4) inch pipe shall be not less than one-eighth (1/8) inch per foot.
- E. Whenever possible, the Sewer Lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the District Sewer, sanitary Sewage carried by such building drain shall be lifted by an approved means and discharged to the Sewer Lateral by the owner of said building. The owner of the building shall be responsible for any and all such costs.
- F. No Person shall make connection of roof downspouts, exterior Foundation Drains, sump pumps, areaway drains, or other sources of surface runoff or groundwater to

a Sewer Lateral or building drain, which in turn is connected directly or indirectly to STW.

- G. The connection of the Sewer Lateral into the STW shall conform to the requirements of the stricter of (1) "Indiana Plumbing Code, (2) the Hendricks County Building and Plumbing Code, (3) the Town of Avon Building and Plumbing Code, (4) other applicable rules and regulations of the District, or (5) the procedures set forth in appropriate specifications of the A.S.T.M. and 327 IAC 3. All such connections shall be made gas and water tight. Any deviation from the prescribed procedures and materials must be approved by the District before installation.
- H. All excavations for Sewer Lateral installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.
- I. The Sewer Lateral shall be located at least fifty (50) feet from any water supply well or pump suction line serving a residence; however, Sewers constructed of water works grade cast iron having mechanical or push type joints may be located within the 50 foot distance but not closer than twenty (20) feet to a dug or bored well and not closer than ten (10) feet to a drilled or driven well or underground pump suction lines or requirements of SE-13.

## 2.3 PROHIBITED DISCHARGE STANDARDS

- A. No User shall introduce or cause to be introduced into the STW any pollutant or Wastewater, which causes Pass Through or Interference. These prohibitions apply to all Users of the STW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. Furthermore, no User may contribute the following substances to the STW:
  - 1. Pollutants including but not limited to, gasoline, benzene, naphthoc, fuel oil, or other flammable or explosive liquid, solid or gas, which create a fire or explosive hazard in the District's STW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
  - 2. Any Wastewater having a pH less than 5.0 or more than 9.5, or otherwise causing corrosive structural damage to the STW or equipment, or endangering District personnel.
  - 3. Solid or viscous substances including but not limited to ashes, cinders, sand, mud, straw shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground Garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders in amounts which will cause obstruction of the flow in the STW resulting in Interference.

4. Any Wastewater containing pollutants, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration, which either singly or by interaction with other pollutants, will cause Interference with either the STW or any Wastewater treatment or Sludge process, or which will constitute a hazard to humans or animals.
5. Any Wastewater having a temperature greater than 150°F (65°C) or which will inhibit biological activity in the STW resulting in Interference, but in no case Wastewater which causes the temperature at the introduction into the STW to exceed 104°F (40°C).
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
7. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the STW in a quantity that may cause acute worker health and safety problems.
8. Any trucked or hauled pollutants, except at discharge points designated by the District in accordance with Section 3.5.
9. Any noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the Sewers for maintenance and repair.
10. Any Wastewater which imparts Color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the Treatment Plant's Effluent thereby violating the District's NPDES permit.
11. Any Wastewater containing any radioactive wastes or isotopes except as specifically approved by the District Manager in compliance with applicable State or Federal regulations.
12. Storm Water, rain water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, Non-contact Cooling Water, and unpolluted Industrial Wastewater, unless specifically authorized by the District Manager.
13. Any Sludges, screenings, or other residues from the Pretreatment of industrial wastes.
14. Any Medical Wastes, except as specifically authorized by the District Manager in a Wastewater Discharge permit.
15. Any Wastewater, alone or in combination with other sources, causing the Treatment Plant Effluent to fail a toxicity test.

16. Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the STW.
  17. Any discharge of fats, wax, oils, or greases of animal or vegetable origin whether emulsified or not, is limited to 100 mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32°F) (0°C) and one hundred fifty degrees (150°F) (65°C).
  18. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
  19. Materials which exert or cause unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers Earth) lime slurried, and lime residues or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate,) and unusual volume of flow or concentration of wastes constituting "Slugs" as defined in Section 1.4.
  20. Wastes or wastes containing substances which are not amenable to treatment or reduction by the STW's processes employed, or are amenable to treatment only to such degree that the STW Effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  21. Any Wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any Wastewater treatment process as determined by the District Manager, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the STW, or to exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other Pretreatment Standards or regulation issued by USEPA or the IDEM. A Toxic pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.
  22. Polychlorinated bephenyls (PCBs) in any detectable concentration.
- B. Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the STW. All floor drains located in process or materials storage areas must discharge to the Industrial User's Pretreatment facility before connecting with the STW.
- C. No new connections shall be made unless there is a capacity available to all downstream Sewers, Lift Stations, Force Mains and the STW, as determined by the District Manager.
- D. A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias,



bars and clubs, hotel, hospital, factory, church or school kitchens; or other establishments where grease may be introduced into the STW.

- E. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

## 2.4 FEDERAL CATEGORICAL PRETREATMENT STANDARDS

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

## 2.5 STATE REQUIREMENTS

State Pretreatment Standards located at 327 IAC 5-16 through 21 are hereby incorporated.

## 2.6 SPECIFIC POLLUTANT LIMITATIONS

- A. The following pollutant limits are established to protect against Pass Through and Interference. No Person shall discharge Wastewater containing in excess of the following Instantaneous Maximum Allowable Discharge limits.

<u>30.0*</u>	mg/L	Ammonia-N
<u>0.05</u>	mg/L	Arsenic
<u>300*</u>	mg/L	BOD <sub>5</sub>
<u>0.01</u>	mg/L	Cadmium
<u>0.5</u>	mg/L	Chromium
<u>5.0**</u>	mg/L	Cyanide
<u>0.04</u>	mg/L	Lead
<u>.002</u>	mg/L	Mercury
<u>0.12</u>	mg/L	Nickel
<u>100</u>	mg/L	Fats, oil and Grease (petroleum or mineral oil products)
<u>0.0</u>	mg/L	PCBs
<u>4.00*</u>	mg/L	Phosphorus
<u>0.24</u>	mg/L	Silver
<u>270*</u>	mg/L	Total Suspended Solids
<u>5.0</u>	mg/L	Zinc

\* - These limits can be exceeded but only with the approval of the District Manager and the payment of such surcharge rates. The District reserves the right to enter into a Special Agreement with any User in accordance with Section 2.8.

\*\* - Cyanide shall be monitored and reported as Free Cyanide or Cyanide Amenable to Chlorination.

- B. Concentrations apply at the point where the industrial waste is discharged to the STW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. At his discretion, the District Manager may impose mass limitations in addition to or in place of the concentration based limitations above.

## 2.7 DISTRICT’S RIGHT OF REVISION

The District reserves the right to establish, by Resolution or in Wastewater Discharge permits, more stringent standards, or requirements on discharges to the STW if deemed necessary to comply with the objectives presented in Section 1.1 of this resolution or the general and specific prohibitions in Section 2 of this Resolution.

## 2.8 SPECIAL AGREEMENT

The District reserves the right to enter into special agreements with Industrial Users setting out special terms under which they may discharge to the STW. No statement contained in this Resolution shall be construed as preventing the District from entering into an agreement between the District and any Industrial User whereby an industrial waste of unusual strength or character may be accepted by the District for treatment subject to payment for treatment services by the Industrial User.

## 2.9 DILUTION

No Industrial User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The District Manager may impose mass limitations on Industrial Users, which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## 2.10 ESTABLISHMENT OF DAILY UPPER LIMITS

The District hereby establishes the following upper limits for discharge into the District’s system:

CBOD <sub>5</sub>	1600 lbs/day
TSS	1440 lbs/day
Ammonia Nitrogen	15 lbs/day
Oil & Grease	50 lbs/day

If any of the above upper limits are exceeded it shall be considered a violation of the District’s Resolutions and Policies and such violation shall be subject to action in accordance with the District’s Enforcement Response Guide.

# **SECTION 3.0 – PRETREATMENT OF WASTEWATER**

## 3.1 PRETREATMENT FACILITIES

Industrial Users shall provide necessary Wastewater treatment as required to comply with this Resolution and shall achieve compliance with all Categorical Pretreatment Standards, local limits, and the prohibitions set out in Section 2.3 above, within the time limitations specified by the EPA, the State, or the District Manager – whichever is more stringent. Any facilities required to pretreat Wastewater to a level acceptable to the District shall be provided, operated,

and maintained at the User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be approved by the District before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the District under the provision of this Resolution.

### 3.2 ADDITIONAL PRETREATMENT MEASURES

- A. Whenever deemed necessary, the District Manager may require Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only into specific Sewers, relocate and/or consolidate points of Discharge, separate Sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the STW and determine the User's compliance with the requirements of this Resolution.
- B. Each Person discharging into the STW greater than twenty-five thousand (25,000) gallons per day or greater than five percent (5%) of the average daily flow in the STW whichever is lesser, may be required to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of the flow over a twenty-four (24) hour period. The facility shall have a capacity for at least forty percent (40%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the District Manager. An IDEM Pretreatment permit may be required solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be installed and maintained by the User or property owner when, in the opinion of the District Manager they are appropriate for the proper handling of Wastewater that contains or could contain excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the District Manager and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their expense.
- D. Industrial Users with the potential to discharge flammable substances may be required to install and maintain an OSHA approved combustible gas detection meter.
- E. Sample Manhole Requirements.
  - 1. When required and deemed appropriate by the District Manager, the owner of any property serviced by the District's sewer shall install a suitable control manhole together with such necessary or appropriate meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be easily accessible and safely located, and shall be maintained by the owner so as to be safe and accessible at all times. The sample manhole shall be inspected and approved by the District.

2. The sample manhole shall be constructed to the District's standard details and specification, or as otherwise directed by the District Manager.
3. Agents of the District, I.D.E.M., and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing at all times.

### 3.3 GREASE TRAPS, GREASE INTERCEPTORS, AND OIL-WATER SEPARATORS

Whenever a FOG pretreatment device is required or appropriate, it shall be installed and maintained as set forth herein, or as may otherwise be required by the District Manager. All FOG pretreatment devices shall be installed and maintained in a manner that is acceptable to the District Manager, and may be inspected by the District to ensure compliance with this Resolution.

#### A. General Requirements. The User shall:

1. install and maintain the FOG pretreatment device as directed by the District Manager at the User's expense,
2. operate the device in compliance with the District's discharge limits,
3. ensure the FOG pretreatment device has adequate retention time at actual peak flow between the influent and effluent baffles to allow for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate and prevent discharge limit violations,
4. assume responsibility in the sizing, plumbing, and configuration of the FOG pretreatment device and be responsible for what is or is not plumbed into its FOG pretreatment device, subject to the approval of the District Manager;
5. locate FOG pretreatment devices as directed and approved by District Manager in easily accessible areas for inspection by the District and for proper maintenance by the User;
6. modify current or future plumbing to prevent the introduction of FOG into the sewers as prohibited by this Resolution.

#### B. Grease Traps shall:

1. include flow regulators,
2. not be shared by multiple facilities,
3. not have an accumulation of floatable FOG and/or settled solids that exceed twenty-five percent (25%) of its total volume,
4. be serviced and emptied of accumulated waste content no less than once a week.

C. Grease Interceptors shall:

1. include a tee outlet with a maximum height of 18 inches above the interceptor's base,
2. not have an accumulation of floatable FOG and/or settled solids that exceed twenty-five percent (25%) of its total volume,
3. be serviced and emptied no less than every 90 days.

D. Oil-Water Separators shall:

1. not have settled oils left to accumulate in excess of twenty percent (20) of the wetted height of the oil-water separator, and no floating oil and grease in the oil- water separator should be left to accumulate in excess of five percent (5) of the wetted height of the oil-water separator,
2. be serviced and emptied no less than every 90 days.

E. Maintenance. The FOG pretreatment device shall be maintained at the User and/or owner's expense, as follows:

1. wastewater discharge concentration from the device shall not exceed any of the District's discharge requirements,
2. the device shall be serviced and emptied with sufficient frequency to maintain an acceptable waste limit as described in this Resolution,
3. the device shall be cleaned immediately if the solid waste and grease or oil reaches the allowable limit within this Resolution,
4. all waste (floating FOG and settled solids) shall be removed from the device and hauled away and disposed of in accordance with state standards,
5. the device shall be completely evacuated anytime the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the District,
6. the User/owner shall not introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel fuel, kerosene, turpentine, and other solvents,
7. the owner/User shall be responsible for increased maintenance and cleaning beyond the maintenance requirements of this Resolution if needed, to maintain an acceptable FOG level,

8. the owner/User shall not allow waste/water to be returned to the apparatus once pumped,
9. the owner/User shall open the device for the District in order to gain access for inspections,
10. the owner/User shall properly dispose of grease/waste so it is not reintroduced back into the sanitary sewer system,
11. the owner/User shall obtain written approval of the District Manager prior to using an automatic system for removing FOG from the device,
12. the owner/User shall comply with such other maintenance requirements as directed by the District Manager.

F. Reporting. All Users shall provide, at the District Managers' request, sufficient information to determine the applicability of and compliance with these requirements. The owner/User shall maintain written maintenance records for the FOG pretreatment device for three (3) years on a continuously rolling calendar, and such records shall be available for inspection by the District at all times. These records shall include:

1. facility's name and physical location;
2. date and time of cleaning service;
3. name of grease hauling company;
4. name and signature of grease hauling company agent performing said service;
5. established service frequency and type of service (full pump out or onsite treatment);
6. number and size of each pretreatment device serviced;
7. approximate amount of grease and solids removed from each pretreatment device;
8. total volume of waste removed from each pretreatment device;
9. destination of removed waste;
10. signature and date of User/owner personnel confirming service completion.

The owner/User shall report their FOG pretreatment device maintenance records to the District quarterly, in writing, and shall further report any accidental discharge within 24 hours of the event.

### 3.4 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

The District Manager may require any Industrial User to develop and implement an Accidental Discharge/Slug Control Plan. At least once every two (2) years, the District Manager may evaluate whether each Industrial User needs such a plan. Any Industrial User required to develop and implement an Accidental Discharge/Slug Control Plan shall submit a plan, which addresses, at a minimum, the following:

- A. Description of Discharge practices, including non-routine batch Discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the STW of any accidental or Slug Discharge. Such notification must also be given for any Discharge, which would violate any of the prohibited Discharges in Section 2.3 of this Resolution.
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

### 3.5 OWNER, TENANT AND USER RESPONSIBILITY

Where an owner of property leases premises to any other Person as a tenant under any rental or lease agreement, or the User if different from the property owner, or tenant either or all (the owner, tenant and/or User) shall be held responsible for compliance with the provisions of this Resolution and all shall be jointly liable as to any provisions of this Resolution.

### 3.6 HAULED WASTEWATER

- A. Septic Tank Waste may be accepted into the STW only with the permission of the District Manager, in his/her sole discretion, and only at a designated receiving structure within the treatment plant area, and at such times as are established by the District Manager, provided such wastes do not violate Section 2 of this Resolution or any other requirements established or adopted by the District. The District Manager may require discharge permits for individual vehicles to use such facilities.
- B. The discharge of hauled industrial wastes as “industrial septage” require prior approval and a Wastewater Discharge permit from the District. The District Manager shall have authority to prohibit the disposal of such wastes. Waste haulers are subject to all other sections of this Resolution.
- C. Industrial waste haulers may discharge loads only at locations designated by the District Manager. No load may be discharged without prior consent of the District Manager. The District Manager may collect samples of each hauled load to ensure compliance with applicable Standards. The District Manager may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

- D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit numbers, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- E. Any fees for the discharge of industrial waste or septic tank waste into the STW will be charged rates as provided for in the District's Rate Resolution, and the District Manager may further require the reimbursement of any additional costs incurred by the District in accepting such discharge.

### 3.7 VANDALISM

No Person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with, or prevent access to any structure, appurtenance or equipment, or other part of the STW. Any Person found in violation of this requirement shall be subject to the provisions set out in Sections 8 and 9 below.

## **SECTION 4.0 – WASTEWATER DISCHARGE PERMIT**

### 4.1 WASTEWATER SURVEY

When requested by the District Manager, any User must submit information on the nature and characteristics of their Wastewater by completing a Wastewater survey within ten (10) business days of the request. The District Manager is authorized to prepare a form for this purpose and may periodically require Users to update the survey. Failure to complete and submit this survey shall be reasonable grounds for terminating service to the User and shall be considered a violation of the Resolution and subject User to the sanctions and penalties as provided in applicable law and District Resolutions.

### 4.2 WASTEWATER DISCHARGE PERMIT REQUIREMENT

- A. It shall be unlawful for any Significant Industrial User to discharge Wastewater into the District's STW without first applying for and obtaining the necessary Pretreatment permit from the Indiana Department of Environmental Management (IDEM). Any violation of the terms and conditions of the IDEM Pretreatment permit shall be deemed a violation of this Resolution and subjects the Wastewater Discharge permittee to the provisions set out in applicable law and District Resolutions. Obtaining an IDEM Pretreatment permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.
- B. The District Manager may require other Users, including liquid waste haulers, to obtain Wastewater Discharge permits as necessary to carry out the purposes of this Resolution.

### 4.3 WASTEWATER DISCHARGE PERMITTING EXISTING CONNECTIONS



Any User, Industrial User or Significant Industrial User which discharges industrial waste into the STW prior to the effective date of this Resolution and who wishes to continue such Discharges in the future, shall within thirty (30) days after the effective date, apply to IDEM for a Pretreatment permit in accordance with Section 4.2 and shall not cause or allow discharges to the STW to continue after ninety (90) days of the effective date except in accordance with the Pretreatment permit issued by IDEM.

#### 4.4 WASTEWATER DISCHARGE PERMITTING NEW CONNECTIONS

Any User, Industrial User or Significant Industrial User proposing to begin to commence discharging industrial wastes into the STW must apply for and obtain a Pretreatment permit prior to the beginning or recommencing of such discharge. An application for the Pretreatment permit must be filed with IDEM at least one hundred eighty (180) days prior to the date upon which any discharge will begin or recommence.

#### 4.5 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

All Users required to obtain a wastewater discharge permit must submit a permit application. This application will be reviewed and is subject to approval of the District Manager. In support of this application, the User shall submit information including, but not limited to, the following:

- A. Name, address, and Standard Industrial Classification (SIC) number of applicant;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the STW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- G. Volume, time and duration of discharges;
- H. Wastewater constituents and characteristics including those set forth in this Resolution as determined by a reliable analytical laboratory; and
- I. Any other information as may be deemed appropriate by the District Manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

#### 4.6 APPLICATION SIGNATORIES AND CERTIFICATION.

All wastewater discharge permit applications and User reports must be signed by an authorized representative of the User and contain the following certification statement:

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

#### 4.7 WASTEWATER DISCHARGE PERMIT DECISIONS.

The District Manager will evaluate the data furnished by the User and may require additional information. The District Manager will determine whether or not to issue a wastewater discharge permit. The District Manager may deny any application for a wastewater discharge permit with justifiable cause. The District Manager will provide the applicant a written record documenting the reason(s) for approving or disapproving a wastewater discharge permit application. If no determination is made within 60 working days of receipt of a complete wastewater discharge permit application, the application will be deemed denied.

#### 4.8 WASTEWATER DISCHARGE PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the District Manager. Each wastewater discharge permit will indicate a specific date upon which it will expire. If the User is not notified by the District Manager 30 days prior to the expiration of the permit, the permit shall automatically be extended for three months. The terms and conditions of the permit may be subject to modification and change by the District Manager during the life of the permit, as limitations or requirements as identified in this Resolution are modified and changed, or as deemed necessary or appropriate by the District Manager in operation of the utility. The User will be informed of any proposed changes in its permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit may include a reasonable time schedule, in the District Manager's discretion, for compliance.

#### 4.9 WASTEWATER DISCHARGE PERMIT CONTENTS.

A wastewater discharge permit shall include such conditions as are deemed reasonably appropriate by the District Manager to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the STW.

A. Wastewater discharge permits shall contain:

1. A statement that indicates wastewater discharge permit duration, which will in no case exceed five years;
  2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the District in accordance with Section 4.12, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
  3. Effluent limits based on applicable pretreatment standards;
  4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
  5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;
  6. A written statement documenting the basis for the issuance of the permit and limits; and
  7. A copy of the District's Sewer Use Resolution.
- B. Wastewater discharge permits may contain, but are not limited to, the following conditions:
1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  2. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass or other measure of identified wastewater pollutants or properties;
  3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the STW;
  4. A compliance schedule containing increments of progress with specific dates for the commencement and completion of major events related to the construction and operation of additional pretreatment required for the User to meet applicable categorical pretreatment standards, local limits or other wastewater discharge permit provisions. A specific date for compliance with the applicable standard, limit or condition shall be included in the schedule. No increment of the compliance schedule shall exceed nine calendar months nor may the total schedule exceed three calendar years;
  5. Requirements for the development and implementation of spill control plans or other special conditions including management practices

appropriate to adequately prevent accidental, unanticipated, or non-routine discharges;

6. Development and implementation of waste minimization and/or pollution prevention plans to reduce the amount of pollutants discharged to the STW;
7. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the STW;
8. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
9. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
10. Other conditions as deemed appropriate by the District Manager to ensure compliance with this article, and state and federal laws, rules, and regulations.

#### 4.10 WASTEWATER DISCHARGE PERMIT APPEALS.

- A. The District Manager will provide notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the District Manager to reconsider the terms of a wastewater discharge permit within 30 working days of notice of its issuance.
- B. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The District Manager will either approve or deny the petition or schedule a conference with the applicant within 30 working days of the submission of the petition for review. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

#### 4.11 WASTEWATER DISCHARGE PERMIT MODIFICATION.

The District Manager may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

- B. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- C. A change in the STW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the District's STW, District personnel, operations, or the receiving waters;
- E. Violation of any terms or conditions of the wastewater discharge permit;
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the wastewater discharge permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition(s).

#### 4.12 WASTEWATER DISCHARGE PERMIT TRANSFER.

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 working days advance notice to the District Manager and the District Manager approves the wastewater discharge permit transfer. The notice to the District Manager must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

#### 4.13 WASTEWATER DISCHARGE PERMIT REVOCATION.

The District Manager may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the District Manager of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the District Manager of changed conditions pursuant to Section 5.0;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the District Manager or his designee timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines or any costs or expenses owed to the District arising out of or related to the enforcement of this article;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- L. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

#### 4.14 WASTEWATER DISCHARGE PERMIT REISSUANCE.

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5, a minimum of 180 days prior to the expiration of the User's existing wastewater discharge permit.

#### 4.15 PERIODIC COMPLIANCE REPORTS.

- A. All Industrial Users shall, at a frequency determined by the District Manager, but in any case, at least twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.6.

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

## **SECTION 5.0 – REPORTING REQUIREMENTS**

### **5.1 REPORT OF CHANGED CONDITIONS**

Each User shall notify the District Manager of any planned significant changes to the User's operations or system, which might alter the nature, quality, or volume of its Wastewater at least thirty (30) days before the change.

- A. The District Manager may require the User to submit such information as may be deemed appropriate to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5.
- B. The District Manager may issue a wastewater discharge permit under Section 4.7 or modify an existing wastewater discharge permit under Section 4.11 in response to changed conditions or anticipated changed conditions.
- C. No Industrial User shall implement the planned changed conditions(s) until and unless the District Manager has responded to the Industrial User's notice.
- D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 10 percent or greater, and the discharge of any previously unreported pollutants.

### **5.2 REPORTS OF POTENTIAL PROBLEMS.**

- A. In the case of any Discharge including, but not limited to, accidental Discharges, Discharges of a non-routine, episodic nature, a non-customary batch Discharge, or a Slug Load which may cause potential problems for the STW (including a violation of the Prohibited Discharge standards in Section 2.3 of this Resolution), it is the responsibility of the User to immediately telephone and notify the District of the incident. This notification shall include the location of Discharge, type of waste, concentration, and volume, if known, and corrective actions taken by the User.
- B. Within five (5) days following such Discharge, the User shall, unless waived by the District Manager, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss,

damage, or other liability, which may be incurred as a result of damage to the STW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any damages or other liability, which may be imposed by this Resolution.

- C. Each failure to notify the District of potential problem Discharges shall be deemed a separate violation of this Resolution.
- D. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a Discharge described in Paragraph A, above. Employers shall ensure that all employees, who may cause or suffer such a Discharge to occur, are advised of the emergency notification procedure.

### 5.3 REPORTS FROM UNPERMITTED USERS.

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the District Manager upon receipt of a written request from the District Manager stating the nature of the information requested.

### 5.4 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

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

### 5.5 DISCHARGE OF HAZARDOUS WASTE.

Any discharge into the STW of any waste, substance, or material which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 is prohibited unless authorized by written permit signed by the District Manager.

### 5.6 ANALYTIC REQUIREMENTS.

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

### 5.7 SAMPLE COLLECTION.

- A. Except as indicated in subsection B of this section, the User must collect wastewater samples using flow proportional composite techniques. In the event flow proportional sampling is not feasible, the District Manager may authorize the use of time proportional sampling or a minimum of four grab samples where the



User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. Samples for monitoring compliance of categorical industries should be taken immediately downstream from the pretreatment facilities if such facilities exist or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with the regulated wastewater prior to treatment, the User should measure the flows and concentration necessary to allow use of the combined waste stream in order to evaluate compliance with pretreatment standards. When an alternate concentration or mass limit has been calculated this adjusted limit along with the supporting data shall be submitted to the District Manager.
- D. The District Manager may use grab sample(s) to determine noncompliance with pretreatment standards.

#### 5.8 TIMING.

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

#### 5.9 RECORD KEEPING.

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

Any person who knowingly makes any false statement, representation or certification in any application, report, or other document required by this article or other applicable regulations, or who tampers with or knowingly renders inaccurate any monitoring device, will, upon conviction be punished by the imposition of a civil penalty as required by local and state statutes, and enforcement response procedures.

### **SECTION 6.0 – COMPLIANCE MONITORING**

#### 6.1 INSPECTION AND SAMPLING

The District shall have the right to enter the facilities of any User to ascertain whether the purpose of this Resolution, and any permit or order issued hereunder, is being met and whether the User is complying with all requirements thereof. Users shall allow the District Manager, or his representatives, ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, personnel from the District, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- B. The District, State, and EPA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's wastewater.
- C. The District may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated at User's sole expense at a period designated by the District Manager, but not less than every six months to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the District Manager and shall not be replaced. The costs of clearing such access shall be borne by the User.
- E. Unreasonable delays in allowing District personnel access to the User's premises shall be a violation of this Resolution.

## 6.2 SEARCH WARRANTS

If the District Manager has been refused access to a building, structure, or property or any part hereof, and if the District Manager has demonstrated probable cause to believe that there may be a violation of this Resolution or that there is a need to inspect as part of a routine inspection program of the District designed to verify compliance with this Resolution or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the District, then upon application by the District's attorney and/or the Hendricks County Prosecutor, the Hendricks Circuit Court Judge shall issue a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. Such warrant shall be served at reasonable hours by the District Manager in the company of a uniformed police officer of Hendricks County. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

## **SECTION 7.0 – CONFIDENTIAL INFORMATION**

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

## **SECTION 8.0 –ENFORCEMENT**

### **8.1**

- A. The District Manager shall enforce this Resolution. Set forth below are the enforcement options, remedies, and penalties available to the District Manager for noncompliance or violations of this Resolution, which also serves as the Enforcement Response Guide or Procedures for how the District’s Pretreatment Program investigates and responds to instances of noncompliance. Nothing herein restricts the authority of IDEM or the EPA to institute separate enforcement actions.
  
- B. The remedies, enforcement options, and penalties for noncompliance or violation of this article include a range of enforcement responses available to District. In any specific case, factors may warrant different responses than those contained in these procedures for a variety of reasons, such as the degree of variance from applicable standards, duration of violation, previous enforcement actions, and the deterrent effect of the response. Each response or enforcement remedy is in the discretion of the District, and the District reserves the right to interpret enforcement on a case by case basis. Judgment criteria used by the District may include, but are not required and are not limited to:
  - 1. The nature and severity of the violation and overall degree of noncompliance;
  - 2. A uniform application of enforcement responses to comparable levels in types of violations;
  - 3. Demonstrating the importance of the Pretreatment Program along with proper operation of equipment and the meeting of standards and limits;

4. Any other factors deemed relevant by the District.

## 8.2 ENFORCEMENT REMEDIES.

Enforcement remedies include, but are not limited to, the remedies set forth below. No enforcement remedy is a prerequisite or a bar to any other remedy, and the enforcement mechanism shall be in the discretion of the District Manager. Any enforcement remedy further does not relieve the User of liability for any violation occurring before or after the implementation of any respective enforcement remedy. The enforcement remedies also do not create any rights in the User or any third party.

## 8.3 VERBAL TELEPHONE NOTICE OR ELECTRONIC MAIL

Whenever the District Manager finds that a User has a very minor infraction, the District Manager may contact the user by telephone or in writing by mail or email for notification of the minor infraction.

## 8.4 SITE VISIT

Whenever the District Manager finds that further discussion or observation is necessary to resolve current or potential future violations, a Site Visit may be conducted. The Site Visit may be conducted in conjunction with all enforcement remedies.

## 8.5 NOTIFICATION OF VIOLATION

Whenever the District Manager finds that any User has violated or is violating this Resolution, a Wastewater discharge permit or order issued hereunder, or any other Pretreatment requirement, the District Manager or his agent may serve upon said User a written Notice of Violation ("NOV"). This NOV may, within ten (10) days of receipt of the NOV, require the User to provide to the District Manager an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a NOV. The NOV may also require User to perform corrective actions under terms and within timelines determined by District Manager.

## 8.6 ADMINISTRATIVE ORDERS

An Administrative Order is an Order issued by the District Manager to the User and contains necessary corrective measure that need to be carried out by the User to achieve compliance. Administrative Orders include (1) Consent Orders, (2) Compliance Orders, and (3) Cease and Desist Orders.

## 8.7 CONSENT ORDER

The District Manager may enter into Consent Orders, 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. Such documents shall have the same force and

effect as the Administrative Orders issued pursuant to Sections 8.8 and 8.9 of this Resolution and shall be judicially enforceable.

#### 8.8 COMPLIANCE ORDER

When the District Manager finds that a User has violated or continues to violate this Resolution, Wastewater Discharge permits or Administrative Orders issued hereunder, or any other Pretreatment Standard or Requirement, he may issue a Compliance Order to the User responsible for the Discharge directing that the User come into compliance within five (5) days. If the User does not come into compliance within five (5) days, Sewer service shall be terminated unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the Sewer. A Compliance Order may not extend the deadline for compliance established for a Federal Pretreatment Standard or Requirement, nor does a Compliance Order release the User of liability for any violation including any continuing violation. Issuance of a Compliance Order shall not be a prerequisite to taking any other action against the User.

#### 8.9 CEASE AND DESIST ORDERS

When the District Manager finds that a User has violated or continues to violate this Resolution, the User's Wastewater Discharge permit, any Administrative Order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the District Manager may issue a Cease and Desist Order to the User directing it to cease and desist all such violations and directing the User to:

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

Issuance of a Cease and Desist Order shall not be a prerequisite to taking any other action against the User.

#### 8.10 SHOW CAUSE HEARING

A Show Cause Hearing is a meeting to show cause why a proposed enforcement action should not be taken. Notice of the Show Cause Hearing shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such an action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice shall be served on any representative of the Industrial User. Whether or not the Industrial User appears as ordered, immediate enforcement action may be pursued following the hearing date. A Show Cause Hearing shall not be a prerequisite for taking any other action against the User.

#### 8.11 ENFORCEMENT COMPLIANCE SCHEDULE

An Enforcement Compliance Schedule ("ECS") is used when serious or long term violations of discharge limits occur that require the design and installation of new or additional pretreatment equipment. Usually the time frame will be six (6) month to one (1) year. Violations of the ECS can result in the next step, consisting of Administrative Fines. Enforcement Compliance

#### 8.12 ADMINISTRATIVE FINES

- A. Notwithstanding any other section of this Resolution, any User that is found to have violated any provision of this Resolution, its Wastewater Discharge permit, and Administrative Orders issued hereunder, or any other Pretreatment Standard or Requirement shall be fined in an amount not to exceed Two Thousand Five Hundred Dollars (\$2,500) per day for the first violation and Seven Thousand Five Hundred Dollars (\$7,500) per day for a second or subsequent violation. The minimum fine per violation per day shall be \$50. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average Discharge limits, fines shall be assessed for each day during the period of violation.
- B. Administrative fines may be added to the User's next scheduled Sewer service bill and shall be considered a rate and charge of the District and collected pursuant to IC 14-33-1 et. seq. and the District Manager shall have such other collection remedies as may be available for other Rates, Charges and Fees.
- C. Unpaid Rates, Charges, fines, and damages shall, after thirty (30) calendar days, be assessed additional damages of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate as set forth in the Rate Resolution. A lien against the User's property will be recorded for unpaid Rates, Charges, fines, and damages pursuant to IC 14-33-1 et. seq.
- D. Users desiring to dispute such fines must file a written request with the District Manager to reconsider the fine along with full payment of the fine amount within fifteen (15) days of being notified of the fine. The District Manager shall convene a hearing on the matter within ten (10) days of receiving the request from the User. In the event the User's appeal is successful, the payment together with any interest accruing thereto shall be returned to the User. The District may add all the costs of investigating and preparing administrative enforcement actions, including, but not limited to notices and orders relating to the fines, including the fees incurred and costs paid to or billed by the District's attorney and engineer.
- E. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the User.

#### 8.13 COSTS, EXPENSES, AND DAMAGES.

In addition to the rates, charges, and fees established by applicable law including District resolutions, a User who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be, to the greatest extent possible under applicable law, including District resolutions, liable to the District for all costs and expenses incurred by the District as a result of

such violation, including but not limited to any costs in protecting the wastewater system or operations, remedying the violation, clean-up, repairs and replacements, sampling and monitoring expenses, any costs of damages incurred by the District, engineering fees, and legal fees.

#### 8.14 TERMINATION OF SEWER SERVICE.

- A. When a User has violated, or continues to violate, any provision of this Resolution, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the District Manager may terminate sewer service to the property, disconnecting the sewer connection, or other available means. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under why the proposed action should not be taken. The User is responsible for all costs and expenses of the District for the termination and/or reconnection of service.
- B. The District Manager may immediately suspend a User's discharge whenever suspension is appropriate to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The District Manager may also immediately suspend a User's discharge that imminently threatens to interfere with the operation of the STW, or which presents, or may present, an imminent endangerment to the environment.
- C. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District Manager may take such steps as deemed appropriate, including immediate severance of the sewer connection, to prevent or minimize damage to the STW, its receiving stream, or endangerment to any individuals. Nothing in this Resolution shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

#### 8.15 LITIGATION.

When the District Manager determines that a User has violated, or continues to violate, any provision of this Resolution, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the District Manager may petition a court of competent jurisdiction through the District's attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Resolution on activities of the User. The District Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. To the greatest extent permitted by law, the District shall be entitled to collect any court costs and attorneys' fees incurred in any enforcement litigation.

#### 8.16 SUPPLEMENTAL ENFORCEMENT ACTIONS.

Anyone who has violated, or continues to violate, any provision of this Resolution, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, may further be subject to the following enforcement actions:

- A. **Criminal Penalties.** Nothing in this Resolution shall limit or otherwise alter possible criminal penalties as provided under applicable law. The District reserves the right to report any criminal behavior to the proper authorities, and/or to seek civil penalties for such criminal behavior. The District also reserves the right to refer suspected violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution. All reports and other documents required to be submitted or maintained pursuant to this article are subject to: (1) the provisions of 18 USC 1001 relating to fraud and false statements; (2) provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and (3) the provisions of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officers.
- B. **Public Nuisance.** A violation of any provision of this Resolution, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District Manager, and is subject to rights and remedies for public nuisances.
- C. **Performance Bonds.** The District Manager may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of this Resolution, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the District, in the sum not to exceed a value determined by the District Manager to be appropriate to achieve consistent compliance.
- D. **Liability Insurance.** The District Manager may decline to reissue a wastewater discharge permit to any User which has failed to comply with the provisions of this Resolution, any order, or a previous wastewater discharge permit issued hereunder, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the STW caused by its discharge.

#### 8.17 REMEDIES NONEXCLUSIVE.

The remedies and enforcement actions provided for in this Resolution are not exclusive. The District may take any, all, or any combination of actions against a non-compliant User as permitted by applicable law. The District Manager is empowered to take more than one enforcement action against any non-compliant User. These actions may be taken concurrently.

#### 8.18 CIVIL PENALTIES

- A. Any User, which has violated or continues to violate this Resolution, any Administrative Order, or Wastewater Discharge permit hereunder, or any other Pretreatment Standard or applicable requirement shall be liable to the District for



civil penalties up to a maximum of \$2,500 per day per violation for the first violation and a maximum of \$7,500 per day per violation for subsequent violations. The minimum penalty per violation per day shall be \$50. In the case of a monthly or other long-term average Discharge limit, penalties shall accrue for each day during the period of the violation.

- B. The District may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, in addition to the cost of the damages incurred by the District and penalties assessed pursuant to paragraph A above.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor deemed necessary by the District.
- D. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a User.

#### 8.19 REMEDIES NONEXCLUSIVE

The provisions in Section 8 are not exclusive remedies. The District reserves the right to take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the District's Enforcement Response Plan. However, the District reserves the right to take other action against any User when the circumstances warrant. Further, the District is empowered to take more than one enforcement action against any noncompliant User. These actions may be taken concurrently.

### **SECTION 9.0 – MISCELLANEOUS PROVISIONS**

#### 9.1 PRETREATMENT CHARGES AND FEES

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

- A. Fees for Wastewater Discharge permit applications including the cost of processing such applications.
- B. Fees for monitoring, inspection, laboratory analysis, and surveillance procedures including the cost of collection and analyzing an Industrial User's Discharge, and reviewing monitoring reports submitted by Industrial Users.
- C. Fees for reviewing and responding to accidental Discharge procedures and construction.
- D. Other fees as the District may deem necessary to carry out the requirements contained herein, including, but not limited to, District's attorneys fees and engineering fees. These fees relate solely to the matters covered by this

Resolution and are separate from all other fees, fines, and damages chargeable by the District.

## 9.2 SEVERABILITY

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

## 9.3 CONFLICTS

All other Resolution's and parts of other Resolution's inconsistent or conflicting with any part of this Resolution are hereby repealed to the extent of the inconsistency or conflict.

## **SECTION 10.0—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### 10.1 Upset

- A. For the purposes of this Section, Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An Upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.
- C. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - 1. An Upset occurred and the User can identify the cause(s) of the Upset;
  - 2. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - 3. The User has submitted the following information to the District Manager within twenty-four (24) hours of becoming aware of the Upset. If this information is provided orally, a written submission must be provided within five (5) days:
    - a. A description of the Indirect Discharge and cause of noncompliance;
    - b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- c. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof.
- E. Users shall have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
- F. Users shall control production of all Discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

## 10.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the General Prohibitions in Section 2.1 of this Resolution or the Specific Prohibitions in Sections 2.3 of this Resolution if it can prove that it did not know, or have reason to know, that its Discharge, alone or in conjunction with Discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the Discharge did not change substantially in nature or constituents from the User's prior Discharge when the District was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable Sludge use or disposal requirements.

## 10.3 Bypass

- A. For the purposes of this Section,
  - 1. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  - 2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a Bypass. Severe property damage does not mean economic loss caused by delays in production.
- B. A User may allow any Bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential

maintenance to assure efficient operation. These Bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

1. If a User knows in advance of the need for a Bypass, it shall submit prior notice to the District Manager, at least ten (10) days before the date of the Bypass, if possible.
2. A User shall submit oral notice to District Manager of an unanticipated Bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the Bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The written submission shall contain a description of the Bypass and its cause; the duration of the Bypass, including exact dates and times, and, if the Bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the Bypass. The District Manager may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

1. Bypass is prohibited, and the District Manager may take an enforcement action against a User for a Bypass, unless
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - b. There were no feasible alternatives to the Bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a Bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - c. The User submitted notices as required under paragraph (C) of this section.
2. The District Manager may approve an anticipated Bypass, after considering its adverse effects, if the District Manager determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

## SECTION 12.0 – EFFECTIVE DATE

This Resolution shall be in full force and effect as of the 18th day of April, 2022  
(The “Effective Date”).

Passed and adopted this 18th day of April, 2022

### BOARD OF DIRECTORS OF THE WEST CENTRAL CONSERVANCY DISTRICT



Frederick Freeman, Chairman



Melissa Luebbert, Vice Chairman



Brandon Lutane, Secretary



Jim Webb, Financial Clerk



Mike Sells, Member