

WEST CENTRAL CONSERVANCY DISTRICT
AMENDED AND RESTATED SEWER USE RESOLUTION

RESOLUTION NO. 2013-0916-1

A Resolution Amending and Restating the West Central Conservancy District Sewer Use Resolution 93-3, 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
- NPDES – National Pollutant Discharge Elimination System
- 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; 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, Commercial, or Industrial User which may discharge substances other than Normal Domestic Sewage to the STW. This may include, 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, product packaging or repackaging plants, and other industrial businesses.
- 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. “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.
- T. “Garbage”. Solid wastes from the domestic and Commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- U. “Grab Sample”. A sample, which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- V. “Grease and Oil”. A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with “Standards Methods”.
- W. “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.
- X. “Health Officer” means the health officer of State, County, and District.
- Y. “Holding Tank Waste”. Any waste from holding tanks, including but not limited to chemical toilets, campers, trailers, septic tanks, vacuum pump trucks.
- Z. “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.
- AA. “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.
- BB. “Industrial User”. A source of Indirect Discharge.

- CC. “Industrial Wastewater”. The liquid and water carried wastes discharged from any industrial and/or manufacturing processes, trade, or business as distinct from Sewage.
- DD. “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, connectors to manhole walls. (Infiltration does not include and is distinguished from inflow.)
- EE. “Infiltration/Inflow”. The total quantity of water from both Infiltration and Inflow without distinguishing the source.
- FF. “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.)
- GG. “Influent”. The water, together with any wastes that may be present, flowing into a drain, Sewer, receptacle, or outlet.
- HH. “Inspector”. The Person duly authorized by the District Manager to inspect and approve the installation of Sewers, Laterals, and/or connections to the STW.
- II. “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.
- JJ. “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:

- c. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
- d. The rules contained in any state Sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
- e. The Clean Air act (42 U.S.C. 7401).
- f. The Toxic Substances Control Act (15 U.S.C. 2601).

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

LL. “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.

MM. “NH₃-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 $\text{NH}^{+4} \text{NH}_3 + \text{H}$.

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

OO. “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
 - A. Any placement, assembly, or installation of facilities or equipment, or
 - B. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
 - b. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

PP. “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.

QQ. “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. NH₃-N not more than 30 mg/L

- RR. “pH”. A measure of the acidity or all alkalinity of a substance measured as the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- SS. “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).
- TT. “Person”. Any individual, partnership, corporation, firm, company, association, society, corporation, joint stock company, trust estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State, or local governmental entities.
- UU. “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.
- VV. “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.
- WW. “Pretreatment Requirements”. Any substantive or procedural requirement related to Pretreatment imposed on an Industrial User, other than a Pretreatment standard.
- XX. “Pretreatment Standards or Standards”. Pretreatment Standards shall mean prohibitive discharge standards, categorical Pretreatment standards, and local limits.
- YY. “Prohibited Discharge Standards or Prohibited Discharges”. Absolute prohibitions against the Discharge of certain substances; those prohibitions appear in Section 2.3 of this Resolution.
- ZZ. “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.

AAA. “Public Sewer”. Any 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.

BBB. “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.

CCC. “Sanitary Sewer”. A Sewer which carries Wastewater, and into which storm, surface, and ground waters are not intentionally discharged.

DDD. “Septic Tank Waste”. Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

EEE. “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.

FFF. “Sewage”. Human excrement and gray water (household showers, dishwashing operations, etc.).

GGG. “Sewer” shall mean a pipe and/or conductor for carrying Wastewater.

HHH. “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, 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.

- III. “Significant Industrial User”. Shall apply to: (a) Industrial Users subject to categorical Pretreatment standards; or (b) any other Industrial 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 significant by the District on the basis that the Industrial User has a reasonable potential for adversely affecting the STW’s operation or for violating any Pretreatment Standard or Requirement.
- JJJ. “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.
- KKK. “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.
- LLL. “Standard Industrial Classification (SIC) Code”. A Classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.
- MMM. “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.
- NNN. “Storm Water”. Any flow occurring during or following any form of material precipitation, and resulting there from, including snowmelt.
- OOO. “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.
- PPP. “Total Solids”. The sum of Suspended Solids and dissolved solids.

- QQQ. “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.
- RRR. “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.
- SSS. “Treatment Plant Effluent”. Any discharge of pollutants from the STW into waters of the State.
- TTT. “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.
- UUU. “Upset”. An exceptional incident in which a Discharge 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 Pretreatment facilities, lack of preventive maintenance, or careless or improper operation thereof.
- VVV. “User”. Any Person that Discharges, causes, or permits the Discharge of Wastewater into the Sewage system.
- WWW. “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.
- XXX. “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.
- YYY. “Wastewater Treatment Plant or Treatment Plant”. That portion of the Sewage Treatment Works designed to provide treatment of Sewage and industrial waste.
- ZZZ. “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 desiring to be served by the STW is required at their expense to connect such facilities directly with the Public Sewer in accordance with the provisions of this Resolution.
- 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 applicable Rate Resolutions (“Fees”) from time to time passed by the Board of Directors of the District.
- E. No permit for connection to the District 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 Officer.

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 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) other applicable rules and regulations of the District, or (4) 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

1. 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:

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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).

- F. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- G. 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.
- H. Any trucked or hauled pollutants, except at Discharge points designated by the District in accordance with Section 3.5.
- I. 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.
- J. 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.
- K. Any Wastewater containing any radioactive wastes or isotopes except as specifically approved by the District Manager in compliance with applicable State or Federal regulations.
- L. Storm 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.
- M. Any Sludges, screenings, or other residues from the Pretreatment of industrial wastes.
- N. Any Medical Wastes, except as specifically authorized by the District Manager in a Wastewater Discharge permit.
- O. Any Wastewater, alone or in combination with other sources, causing the Treatment Plant's Effluent to fail a toxicity test.

- P. Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the STW.
- Q. 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).
- R. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- S. 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.
- T. 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.
- U. 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.
2. 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.
3. 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.
4. 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

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 ₅
<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	Oil and Grease (petroleum or mineral oil products)
<u>0.0</u>	ug/L	PCBs
<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.

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 Discharger 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 Discharger.

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.

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 Industrial User’s expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before construction of the

facility. The review of such plans and operating procedures will in no way relieve the Industrial 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 Industrial 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 Industrial 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 provided for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the 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 approved combustible gas detection meter.

3.3 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 Significant 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.

3.4 TENANT RESPONSIBILITY

Where an owner of property leases premises to any other Person as a tenant under any rental or lease agreement, if either the owner or the tenant is an Industrial User, either or both shall be held responsible for compliance with the provisions of this Resolution.

3.5 HAULED WASTEWATER

- A. Septic Tank Waste may be accepted in the STW 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” required prior approval and a Wastewater Discharge permit from the District. The District Manager shall have authority to prohibit the disposal of such wastes, if such disposal would interfere with the treatment plant operation. Waste haulers are subject to all other sections of this Resolution.

3.6 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

All Industrial Users must submit information on the nature and characteristics of their Wastewater by completing a Wastewater survey prior to commencing their Discharge. The District Manager is authorized to prepare a form for this purpose and may periodically require Industrial Users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the Industrial User and shall be considered a violation of the Resolution.

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 Sections 8.0 and 9.0. 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 Industrial 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 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 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.

SECTION 5.0 – REPORTING REQUIREMENTS

5.1 REPORT OF CHANGED CONDITIONS

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

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 Industrial 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 Industrial User.
- B. Within five (5) days following such Discharge, the Industrial 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 Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial 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 Industrial User of any damages or other liability, which may be imposed by this Resolution.
- C. 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 Industrial 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.

SECTION 6.0 – COMPLIANCE MONITORING

6.1 INSPECTION AND SAMPLING

The District shall have the right to enter the facilities of any Industrial User to ascertain whether the purpose of this Resolution, and any permit or order issued hereunder, is being met and whether the Industrial User is complying with all requirements thereof. Industrial 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 an Industrial User has security measures in force which require proper identification and clearance before entry into its premises, the Industrial 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 Industrial User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The District may require the Industrial 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 Industrial User at its own expense. All devices used to measure Wastewater flow and quality shall be calibrated 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 industrial facility to be inspected and/or sampled shall be promptly removed by the Industrial 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 Industrial User.

- E. Unreasonable delays in allowing District personnel access to the Industrial 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 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 Industrial User obtained from reports, surveys, Wastewater Discharge permit applications, Wastewater Discharge permits, and monitoring programs, and from District inspection and sampling activities, shall be available to the public without restriction—unless the Industrial 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. When requested and demonstrated by the Industrial 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 no be recognized as confidential information and will be available to the public without restriction.

SECTION 8.0 – ADMINISTRATIVE ENFORCEMENT REMEDIES

8.1 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 email for notification of the minor infraction.

8.2 SITE VISIT

Whenever the District Manger 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.

8.3 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. Within ten (10) days of the receipt of this Notice of Violation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions shall be submitted by the User to the District Manager. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

8.4 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.

8.5 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 8.6 and 8.7 of this Resolution and shall be judicially enforceable.

8.6 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.

8.7 CEASE AND DESIST ORDERS

When the District Manager finds that a User is violating 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.

8.8 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 Industrial User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such an action, and a request that the Industrial 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. The Industrial User may request a Show Cause Hearing at the District's convenience.

8.9 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 Schedules shall be developed as a part of Administrative Orders.

8.10 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. Assessments 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 Industrial 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 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.

8.11 EMERGENCY SUSPENSIONS

The District Manager may immediately suspend a User's Discharge (after informal notice to the User) whenever such suspension is necessary in order to stop an actual or threatened Discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of Persons. The District Manager may also immediately suspend a User's Discharge (after notice and opportunity to respond) that threatens to interfere with the operation of the STW, or which presents or may present an endangerment to the environment.

- A. Any User notified of a suspension of its Discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the District Manager shall take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the STW, its receiving stream, or endangerment to any individuals. The District Manager shall allow the User to recommence its Discharge when the User has demonstrated to the satisfaction of the District that the period of endangerment has passed.

Nothing in this section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section. The District shall not be liable for any damages whatsoever incurred by the User for the District's actions to terminate service to User, pursuant to this Section 8.11.

8.12 TERMINATION OF SERVICE

Any User who violates the following conditions is subject to discharge termination:

- A. Violation of individual wastewater discharge permit
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 8.8 of this ordinance why the proposed action should not be taken. Exercise of this option by the District Manager shall not be a bar to, or a prerequisite for, taking any other action against the User. The District shall not be liable for any damages whatsoever incurred by the User for the District's termination of service, pursuant to this Section 8.12.

SECTION 9.0 – JUDICIAL ENFORCEMENT REMEDIES

9.1 INJUNCTIVE RELIEF

Whenever a User has violated a Pretreatment standard or requirement or continues to violate the provisions of this Resolution, Wastewater Discharge permits or Administrative Order issued hereunder, or any other Pretreatment Requirement, the District Manager may petition the Hendricks Circuit Court 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. Such other action as appropriate for legal and/or equitable relief may also be sought by the District. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a User.

9.2 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.

9.3 REMEDIES NONEXCLUSIVE

The provisions in Section 8 and 9 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 10.0 – MISCELLANEOUS PROVISIONS

10.1 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.

10.2 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.

10.3 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 11.0—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

11.1 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.

11.2 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.

11.3 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 _____ day of _____, 2013 (The “Effective Date”).

Passed and adopted this _____ day of _____, 2013

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

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