

ORDINANCE NO. 2019-03-21(A)

LAGRANGE COUNTY REGIONAL UTILITY DISTRICT

SANITARY SEWER USE ORDINANCE

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ORDINANCE NO. 2019-03-21

An Ordinance amending and replacing Ordinance No. 1995-6-14(8), Ordinance No. 1997-4-30(D), Ordinance No. 2007-2-20(8), Ordinance No. 2008-3-12, Ordinance No. 2009-1-14, Ordinance No. 2009-2-11(A), Ordinance No. 2009-10-14(A), Ordinance No. 2011-12-14, Ordinance No., Ordinance No. 2013-04-18(A) and Ordinance No. 2015-1-15 to regulate the connection to and use of public and private sanitary sewers and drains, the installation and connection of building sewers and the discharge of waters and wastes into the public sanitary sewer systems of the LaGrange County Regional Utility District and providing penalties for violations thereof ("Ordinance").

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE LAGRANGE COUNTY REGIONAL UTILITY DISTRICT:

SECTION 1 Applicability

This Ordinance shall be applicable to and enforceable against the Owners Users in all service areas of the District's territory except that service area commonly known as Fawn River Crossing. Sewer use in the service area commonly known as Fawn River Crossing shall be governed by Ordinance No. 2010-5-12(8) and any subsequent amendments thereto.

SECTION 2 Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Ordinance and as used in the rules and regulations adopted by the Board of Trustees implementing the provisions of the Ordinance are as set out below respectively. Terms used in this Ordinance but not defined in this Section shall have the same meaning as those terms that are found in LC. 13-11-2 or, if not found in LC. 13-11-2, as those terms are commonly used by those engaged in the construction, operation and management of sanitary sewage collection, transmission and treatment.

- 2.1 "Act" shall mean the Federal Water Pollution Control Act, also known as "The Clean Water Act", as amended, 33 U.S.C. 466.
- 2.2 "Applicable Pretreatment Standards" shall mean any pretreatment limit or prohibitive standard (federal, state and /or local) contained in the Ordinance and considered to be the more restrictive with which non-domestic Users shall be required to comply.
- 2.3 "Biochemical Oxygen Demand (BOD)" shall mean the quantity of dissolved oxygen, in milligrams per liter, required during the stabilization of the decomposable organic matter by aerobic biochemical action of sewage, sewage effluent, polluted waters or industrial wastes under standard laboratory procedures for five days at 20° centigrade. The laboratory determinations shall be made in accordance with procedures set forth in 40 CFR 136.

- 2.4 "Board" shall mean the Board of Trustees of the LaGrange County Regional Utility District.
- 2.5 "Building Drain" shall mean that part of the piping of a building drainage system that receives discharge from waste or other drainage pipes inside the walls of the building and conveys it to the building sewer.
- 2.5.1 "Sanitary" shall mean a building drain that conveys sewage only.
- 2.5.2 "Storm" shall mean a building drain that conveys storm water or other drainage, but not sewage.
- 2.6 "Building Drain Connection" shall mean the point where the building sewer is connected to the building drain at a location approximately three (3) feet outside the foundation wall of the building or where designated by an Operations Technician.
- 2.7 "Building Sewer" shall mean that part of the drainage system, including clean-outs, that extends from the end of the building drain and conveys its discharge to a public sanitary sewer, private sanitary sewer, individual sewage disposal system or other point of disposal, including, but not limited to, a device commonly referred to as a grinder pump owned and operated by the District.
- 2.8 "Building Sewer Connection" shall mean the point where the building sewer is connected to the public sanitary sewer. This connection to the public sewer shall be accomplished as follows:
- 2.8.1 Where a tap-in connection is employed, the point of the connection shall be where the end of the building sewer meets the inside face of the Sewage Works , including, but not limited to, a grinder pump, or tapping a "saddle and/or joint" shall be considered part of the building sewer.
- 2.8.2 Where fittings (T's or Y's) are employed, the connection shall be where the end of the first pipe meets the end of the fitting and the said T or Y fitting shall be considered a part of the building sewer.
- 2.9 "Chemical Oxygen Demand (COD)" shall mean a measure of the oxygen equivalent to that portion of the organic matter in a sample of sewage, sewage effluent, polluted waters or industrial waste that is susceptible to oxidation by a strong chemical oxidant. The laboratory determinations shall be made in accordance with procedures set forth in 40 CFR 136.
- 2.10 "Connection," other than its use in the term "connection fee," shall mean the installation of a building sewer and/or building sewer connection.
- 2.11 "District" shall mean the LaGrange County Regional Utility District or its duly authorized agent or employee.
- 2.12 "Dwelling" shall mean a building, or a portion thereof, under one roof used primarily as the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourists' homes.

- 2.13 "Easement" shall mean an acquired legal right for a specific use of land owned by others.
- 2.14 "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a building drain, sewer receptacle or outlet.
- 2.15 "Emergency" shall mean an unforeseen circumstance or combination of circumstances that may cause an imminent endangerment to the health and/or welfare of persons or the environment or that may interfere with the operation of the District's sewer collection and transportation systems and/or the District's wastewater treatment facilities.
- 2.16 "Fecal coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, the presence of which in sanitary sewage is an indicator of pollution.
- 2.17 "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food or from the handling, storage or sale of produce.
- 2.18 "Gray Water" shall mean wastewater from interior plumbing fixture, such as sinks, showers, bathtubs, clothes washers and dish washers but not toilets that does not contain excrement, urine, blood or other human waste.
- 2.19 "General Manager" shall mean that person employed by the District to engage in the duties and functions of the District's General Manager, as those duties and functions are identified and described in the District's personnel policies and practices, or his or her duly authorized designee.
- 2.20 "Habitable space" shall mean a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces are not considered habitable spaces.
- 2.21 "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business operation or process from the development, recovery or processing of any natural resource carried on by any person.
- 2.22 "Infiltration" shall mean the water entering a sanitary sewer system, including building drains and building sewers, from the ground through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. The term does not include and is distinguished from "inflow."
- 2.23 "Infiltration/inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- 2.24 "Inflow" shall mean the water discharged into a sanitary sewer system, including building drains and building sewers, from such sources as, but not limited to: roofleaders, cellar, clear water sump pumps, yard and area drains, swimming pools, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewer and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. The term does not include and is distinguished from

"infiltration."

- 2.25 "Influent" shall mean the water together with any wastes that may be present flowing into a drain, sewer, receptacle or outlet.
- 2.26 "NPDES Permit" shall mean the National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.
- 2.27 "Operation and Maintenance Costs" shall mean all costs direct and indirect, other than debt services but including replacement costs, necessary to ensure adequate wastewater collection, transportation and treatment on a continuing basis conforming with federal, state or local requirements, and to ensure long-term facilities management.
- 2.28 "Operations Technician" shall mean a person(s) employed by the District to engage in the duties and functions of an Operations Technician, as those duties and functions are identified and described in the District's personnel policies and practices, or his or her duly authorized designee.
- 2.29 "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
- 2.30 "Owner" shall mean the person or persons having a fee simple or life estate interest in or holding title of record to real property located in the District's territory or in areas where the District has jurisdiction to operate or his or her duly authorized agent or employee.
- 2.31 "Person" shall mean any individual, owner, discharger, lessee, occupant, firm, limited liability company, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal entity.
- 2.32 "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of the hydrogen ions, in grams per liter of solution.
- 2.33 "Pollutant" shall include either or both of the following:
- 2.33.1 "Compatible Pollutant" shall mean waste containing biochemical oxygen demand, chemical oxygen demand, suspended solids, phosphorus, pH, fecal coliform bacteria, or ammonia(NH₃).
- 2.33.2 "Incompatible Pollutant" shall mean waste containing a pollutant that is not a compatible pollutant in such a load or strength that would cause damage to the Sewage Works or treatment plant or both.
- 2.34 "Pretreatment" shall mean the treatment of industrial and commercial sewage from privately owned industrial and commercial sources prior to introduction into a public collection and treatment works.

- 2.35 "Properly shredded garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sanitary sewers, with no particle greater than one-half($\frac{1}{2}$) inch in any dimension.
- 2.36 "Public sewer" shall mean a sanitary sewer that is owned and controlled by a public authority, such as the District, including any or all of the following elements:
- 2.36.1 "Collector sewer" shall mean a sewer the primary purpose of which is to collect wastewaters from individual point source discharges.
- 2.36.2 "Interceptor or trunk sewer" shall mean a sewer the primary purpose of which is to transport wastewater from collector sewers to additional pumping or treatment facilities.
- 2.36.3 "Force main" shall mean a pipe in which wastewater is carried under pressure to an additional pumping station or treatment facility.
- 2.36.4 "Pumping station" shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- 2.37 "Receiving Stream" shall mean the water course, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
- 2.38 "Replacement Cost" shall mean that cost, stated in current monetary values, as an operating cost that represents and measures the expenditures required to replace equipment, accessories or appurtenances of the property in order to maintain the capacity and performance during the useful life of the property of the District.
- 2.39 "Replacement fund" shall mean a fund maintained to provide resources to pay for replacement expenditures annually as required to maintain the capacity and performances of the Sewage Works.
- 2.40 "Sanitary Sewage" shall mean sewage that is discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels, hotels, lodging or boarding houses, office buildings, factories or institutions and other buildings or structures and that is free from storm waters, surface waters, groundwater and industrial wastes.
- 2.41 "Service Charge" shall mean a charge levied on a User of the Sewage Works which may include a charge for operations and maintenance costs, including replacement costs, a User charge, a charge for local capital costs and other charges for current services.
- 2.42 "Sewage" shall mean the water-carried wastes, including, but limited to, gray water, from residences, business buildings, commercial establishments, institutions and industrial establishments or any building or use, singularly or in any combination.
- 2.43 "Sewage Works" shall mean all public facilities and systems for collecting, transporting,

pumping, treating and disposing of sewage and sludge, including the sewerage collection systems and the wastewater treatment facilities, whether or not in active use.

- 2.44 "Sewer" shall mean a pipe or conduit for carrying sewage and other waste liquids as differentiated below:
- 2.44.1 "Combined or Combination Sanitary Sewer" shall mean a sewer which carries storm, surface and ground water runoff as well as sewage.
 - 2.44.2 "Public Sewer" shall mean a sewer that is owned, controlled and maintained by the District or other public authority.
 - 2.44.3 "Sanitary Sewer" shall mean a sewer which carries domestic and unpolluted industrial sanitary sewage and to which storm, surface, groundwaters and unpolluted industrial waste waters are not intentionally admitted.
 - 2.44.4 "Storm Sewer" shall mean a sewer which carries storm, surface and groundwater drainage but excludes sanitary sewage.
- 2.45 "Shall" shall mean mandatory; "may" shall mean permissible.
- 2.46 "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow that exceeds for any period of duration longer than ten (10) minutes more than three (3) times the average twenty-four (24) hours concentration or flow during normal operation and shall adversely affect the collection system.
- 2.47 "Standard Industrial Classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual or System used by the United States Office of Management and Budget.
- 2.48 "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Water Works Association and the Water Pollution Control Federation.
- 2.49 "Strength-of-Waste Surcharge" shall mean the additional charges for sewage service collected from Users discharging sewage into the systems having a strength measurement in excess of the limits imposed by the provisions of this Chapter.
- 2.50 "Suspended Solids" shall mean solids which either first float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration is expressed in milligrams per liter. Quantitative determinations are made in accordance with procedures set forth in 40 CFR 136.
- 2.51 "Toxic Pollutant" shall mean one of 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the EPA under the provisions of Section 307 (33 USC 1317) of the Act.

- 2.52 "Total solids" shall mean the sum of suspended and dissolved solids.
- 2.53 "Unpolluted water" is 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 benefitted by discharge to sanitary sewers and wastewater treatment facilities.
- 2.54 "User" shall mean a person who owns, rents or leases real property to which the District provides or is authorized to provide sanitary sewage collection, transmission and treatment service and shall include any or all of the following:
- 2.54.1 "Residential User" shall include any User of the District's Sewage Works whose lot, parcel, real estate or building is used for domestic dwelling purposes only.
 - 2.54.2 "Commercial User" shall include all retail stores, restaurants, office buildings, laundries and other private business and service establishments, including those identified in the most recent version of the Standard Industrial Classification Manual or System, United States Office of Management and Budget, Division I-Services.
 - 2.54.3 "Industrial User" shall include any User of the District's Sewage Works which is identified in the most recent version of the Standard Industrial Classification Manual or System, United States Office of Management and Budget, under the following divisions: Division A-Agriculture, Forestry and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary. Industrial Users shall be classified as follows:
 - 2.54.3.1 "Non-discharge Users" shall include all industries which discharge sanitary sewage only, and industrial Users whose discharge is limited to non-contact cooling water or boiler blowdown water.
 - 2.54.3.2 "Non-major industrial Users" shall include all industries which discharge process water but do not meet the criteria of significant industrial Users.
 - 2.54.3.3 "Significant industrial Users" shall include all industries comprised of categorical and non-categorical industries and shall further be defined as set out at 40 CFR 403.3(t).
 - 2.54.4 "Institutional User" shall include social, charitable, religious and educational activities such as schools, churches, hospitals, nursing home complexes, penal institutions and similar institutional Users.
 - 2.54.5 "Government User" shall include legislative, judicial, administrative and regulatory activities of federal, state and local governments.

2.55 "User charge" shall mean a charge imposed on Users of a Sewage Works to defray the cost of operation, maintenance and replacement.

2.56 "Wastewater Treatment Facility" shall mean an arrangement of devices, structures and equipment for treating and disposing of sewage and sludge.

SECTION 3 Rules and Regulations-Board Authority

The Board may, in accordance with the Statutes of the State of Indiana, and subject to the provisions and requirements of this Ordinance, make and enforce appropriate rules and regulations for the safe, economical and efficient management and operation of the District's Sewage Works and for the implementation of the provisions of this Ordinance.

SECTION 4 Unlawful Discharge Prohibited; Conditions for Connection

4.1 It shall be unlawful for any Person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of the District any human excrement, garbage or other objectionable waste, including, but not limited to, gray water.

4.2 No Person shall place, deposit or permit to be deposited in any sanitary manner on public or private property within the District or in any area under the jurisdiction of the District any wastewater or other polluted water, including, but not limited to, gray water, except where suitable treatment has been provided in accordance with the provisions of this Ordinance and the District's NPDES permit.

4.3 No Person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water, including, but not limited to, gray water, except where suitable treatment has been provided in accordance with the provisions of this Ordinance and the District's NPDES permit.

4.4 Except as hereinafter provided or except as provided in other ordinances of the District, it shall be unlawful to construct or maintain any privy, privy vault, outhouse, septic tank, cesspool, portable toilet or other facility intended or used for the disposal of sewage.

4.5 No Person shall discharge or cause to be discharged to any sanitary sewer, building sewer or building drain connected to a sanitary sewer, either directly or indirectly, storm water, surface water, ground water, infiltration, inflow, infiltration/inflow, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial water or water from a basement or crawl space.

The Board shall have the authority to require an Owner to disconnect any downspouts, yard drains, sump pumps or other drains that carry the runoff of natural precipitation or groundwater from a building sewer that drains into a sanitary sewer. An Owner shall have thirty (30) days after notice thereof to comply with any such requirements. An Owner who does not bring his or her property into compliance shall be subject to the enforcement and

penalty provisions of this Ordinance and state and federal law.

- 4.6 Pursuant to the authority stated in LC. 13-26-5-2(8), and subject to IC 13-26-5-2.5 and IC 13-26-5-2.6, the Board shall have the power to direct the Owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the District and abutting on any street, alley or right-of-way in which there is now located a public sanitary sewer of the District with adequate capacity to install at his or her sole expense suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance within ninety (90) days after the date of official notice to do so, provided that said public sanitary sewer is within three hundred (300) feet of:
- 4.6.1 the Owner's property line, if the property is adjacent to a body of water including a lake, river or reservoir;
 - 4.6.2 any part of a subdivision, or land that is divided or proposed to be divided into lots, whether contiguous or subject to zoning requirements, for the purpose of sale or lease as part of a larger common plan of development or sale; or
 - 4.6.3 for all other properties, the improvement or other structure from which the sewage or similar waste is discharged.

SECTION 5 Private Sewage Disposal Systems

- 5.1 Where a public sanitary sewer is not available under the provisions of Section 4.6, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Ordinance and all applicable federal, state and local law.
- 5.2 Before construction of a private sewage disposal system begins, the Owner shall first obtain a written permit signed by the General Manager. A permit and inspection fee in the amount of Seventy Dollars (\$70.00) or an amount subsequently established by the Board hereafter shall be paid to the District at the time the application is filed.
- 5.3 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of an Operations Technician. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the Owner or his or her designee shall notify an Operations Technician at least 24 hours before the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within one work day of receipt of notice by the District.
- 5.4 The type, capacity, location and layout of a private sewage disposal facility shall comply with all federal, state and local laws or regulations, including, but limited to, the laws and regulations of the Indiana Department of Health and the Department of Health of the county where the facility is located.
- 5.5 No private sewage disposal facility shall discharge to any natural outlet.
- 5.6 At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system as provided in Section 4.6, the District may require a direct connection to be made to the public sanitary sewer in compliance with this Ordinance, and any septic

tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with suitable material in a manner satisfactory to the District and in accordance with 410 IND ADMIN CODE 6-8.3-90, as amended.

- 5.7 The Owner shall operate and maintain the private sewage disposal facility in a sanitary manner at all times solely at his or her own expense and at no expense to the District.
- 5.8 No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by any other federal, state or local governmental body or agency, including, but not limited to, the Indiana Department of Health and the Department of Health of the county where the private sewage disposal facility is located.

SECTION 6 Requirements for Connection to Public Sewers

- 6.1 No Owner shall install a connection, either directly or indirectly, into any public sanitary sewer until a connection permit has been obtained from the District and until the Owner has satisfied the obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs laid against that property for public sewers that serve it, if applicable. A connection permit given in error shall not operate to nullify any such obligation that has been duly recorded, nor stop the District from charging and collecting such costs at any subsequent time.
- 6.2 A connection permit shall be obtained from the General Manager.
- 6.3 There shall be two (2) classes of permits of connection permits: Class 1 for residential service and Class 2 for service to commercial establishments and establishments producing material wastes. In either case, the Owner or his duly authorized agent shall make application on a special form furnished by the District or its designee. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the District, the General Manager or an Operations Technician. A fee of Seventy Dollars (\$70.00) for a Class 1 permit or One Hundred Dollars (\$100.00) for a Class 2 permit shall be paid to the District at the time the application is filed.
- 6.4 A connection permit shall be issued only for work to be performed by contractors or plumbers who are licensed, registered and bonded in accordance with state and local laws rules and regulations. Said contractors or plumbers shall be sufficiently insured to pay in full any damages that arise from, are related to or are incidental to performance of the work, including, but not limited to, installation of the connection and any other necessary equipment or appurtenance between the grinder pump that serves the property and the District main that serves the property.
- 6.5 The District shall not issue a connection permit until all connection, inspection and other applicable fees established by the Board have been paid in full to the District. All connections, including, but not limited to, shall be installed in accordance with District specifications, rules, regulations and ordinances. Not later than twenty-four (24) hours before installing a connection, the contractor shall notify the District of his or her intent so

that inspection may be scheduled.

- 6.6 No person shall use a connection or backfill or otherwise conceal the installation of a connection unless and until the same has been inspected and approved by the District. Not later than twenty-four (24) hours before installing each connection, the contractor or plumber shall notify an Operations Technician of his or her intent so that inspection may be scheduled. In addition to all other remedies for violation of this provision of the Ordinance, the District may cause said installation to be excavated and exposed, may terminate the connection and may require the Owner to pay or reimburse the District for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as authorized District charges and may be collected in accordance with the provisions of all applicable state and local law.
- 6.7 A building sewer shall not cross the property of another Owner unless such Owner has granted a permanent easement for such building sewer, which easement shall be duly recorded in the Office of the Recorder of the county where the property is located.
- 6.8 The District shall have no responsibility or liability for the installation, maintenance and repair of ~~Building Drain Connection or Building Sewer~~ connections, nor shall it be responsible or liable for repair of connections, including, but limited to joints and fittings or sewer taps, installed by or on behalf of the Owner connecting any structure to a grinder pump or otherwise connecting a structure to the District owned Sewage Works. In addition, the District shall have no responsibility or liability for the installation, maintenance and repair of connections, nor shall it be responsible or liable for repair of connections, including, but limited to joints and fittings, sewer taps, grinder pumps or laterals installed by or on behalf of the Owner unless the District accepts title to the same, at its discretion, in accordance with its Ordinances, policies and procedures.
- 6.9 No unauthorized person shall uncover, make any connection with or opening into, use, alter or disturb any public or private sanitary sewer or appurtenance thereof without first obtaining a written permit from the District.
- 6.10 Subject to costs possibly absorbed as part of a Sewage Works project by the District, all costs and expenses incident to the installation of a connection shall be borne by the Owner. The Owner shall bear all costs of connecting each sewage-producing facility on the property to the District's Sewage Works, including, but not limited to, the costs of purchasing all equipment necessary to connect the property to the District's Sewage Works, the costs of installing said equipment and connecting the property to the District's Sewage Works, and the costs of properly operating, maintaining, repairing and/or replacing said equipment thereafter, unless assumed by the District in accordance with Section 6.8. Said equipment may be purchased from or through the District or from a supplier other than the District, but any and all equipment, including, but not limited to, grinder pumps and electrical control panels, must meet the District's specifications in every respect and shall be subject to inspection and approval by the District before it may be installed. The Owner shall indemnify the District against and hold it harmless from any loss or damage that arises from, is related to or is incidental to a connection, either directly or indirectly.

- 6.11 A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway. In that case, and subject to the limitations stated in Section 7, the building sewer from the building may be extended to the rear building and the whole considered as one building sewer.
- 6.12 Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by an Operations Technician, to meet all requirements of this Ordinance.
- 6.13 The size, slope, alignment and materials for construction of a building sewer and the methods to be used excavating, placing pipe, jointing, testing and backfilling the trench shall all conform to the requirements of all applicable federal, state and local laws and such other rules and regulations as the District may designate.
- 6.14 Whenever possible, the building sewer 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 public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- 6.15 A connection shall conform to all applicable federal, state and local laws and such other rules and regulations as the District may designate. A connection shall be gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by an Operations Technician before installation.
- 6.16 The applicant for a connection permit shall notify the District at least 24 hours before the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of an Operations Technician.
- 6.17 All excavations for installation of a connection 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 by the Owner in a manner satisfactory to the District and any other agency or authority regulating such construction or excavation, including, but limited to, the Highway Department of the State of Indiana or the county where the construction or excavation occurred.
- 6.18 A connection permit shall not be issued until the District has determined that the downstream facilities of the Sewage Works, including, but limited to, the collection system, lift stations, force mains and wastewater treatment facilities, have adequate capacity to transmit and treat the new or additional waste loadings, including, but limited to, capacity for BOD and S.S.
- 6.19 As a condition of connection to a public sewer, the Owner shall grant a permanent easement for the area containing the connection and/or public sewer to the District, at a location acceptable to the District, for the purpose of cleaning, maintaining, repairing, replacing and inspection said public sewer.

- 6.20 When there is only one line to be run between an Owner's sewage-producing structures or facilities and the District's sanitary sewer line in order to connect the Owner's structure or facility to the District's line and when only one inspection of said connection by District personnel is required to comply with this Ordinance, the District shall charge the Owner only one connection permit fee, regardless of the number of uses of the property the District otherwise shall charge the Owner.

EXAMPLE: A property on which there is one building to be used as a single-family dwelling and home office will be billed monthly for each use. However, only one connection permit fee will be charged because only one line will run from the building to the District's line in order to connect the property and only one District inspection will be required.

SECTION 7 Grinder Pump Connection

- 7.1 In addition to those Owners identified in Paragraph 4.6, and subject to the limitations and requirements thereof, the Owner of any building that is situated within the District's territory, that produces sewage or that is capable of producing sewage and that contains habitable space shall connect said building by a Building Drain and/or Building Sewer to the District's Sewage Works, either voluntarily or as required by law and this Ordinance or if not so required or inclined to a private system permitted by this Ordinance, state law and or local rules, regulations and ordinances.
- 7.2 Subject to the possible benefits of participation in a new Sewage Works project, the Owner of any building connecting to the District's Sewage Works pursuant to Paragraph 7.1 shall bear all costs related to, arising from or associated with connecting said building to the District's Sewage Works, including, but not limited to, any and all connections charges applicable in the service area where said building is situated.
- 7.3 The District shall charge the Owner of any building connected to the District's Sewage Works pursuant to the provisions of paragraph 7.1 the monthly single-family dwelling rate applicable in the service area where said building is situated, unless the use of said building is such that another classification of the rate schedule for the service area where said building is situated is applicable. In that event, the rate for the applicable use classification shall be charged.
- 7.4 No more than one (1) Building Drain from single family dwellings or buildings containing habitable space shall be connected to one simplex (single) grinder pump.
- 7.5 In the event that an Owner of a building identified in Paragraph 7.1 wishes to increase the number of connections to a grinder pump so that more than one (1) Building Drain may be connected to a grinder pump, said Owner shall apply to the District for permission to do so. Every such application shall be reviewed by the District's employees or agents to ensure that the District's Sewage Works has adequate capacity, in terms of both strength and flow, to accommodate additional sewage that may be produced by said change and to ensure that said change shall not otherwise harm the District's Sewage Works. No change in number of connections to a grinder pump shall be allowed if said change will result in flows that

would exceed the pump manufacturer's recommendation or the capacity of the District's Sewage Works or if said change would otherwise harm the District's Sewage Works. All requests or applications to increase the number of connections to a grinder pump shall come before the Board for consideration and final action. The Owner who wishes to increase the number of connections to a grinder pump shall bear all costs related to, arising from or associated with doing so, including but not limited to, the time and expense of reviewing the application; the purchase and installation of the larger grinder pump, pump chamber and related materials and equipment; the removal of the smaller grinder pump, pump chamber and related materials and equipment; any inspections that are necessitated by the action; and the cost of connecting any and all building drains to the larger pump.

- 7.6 All provisions stated in Section 6 of this Ordinance apply to and are enforceable against those Owners identified in Paragraph 7.1 of this Ordinance.
- 7.7 This section of this Ordinance shall be applied and enforced prospectively from the date of promulgation of Ordinance No. 2007-2-20(8), which this Ordinance repeals and replaces. Ordinance No. 2007-2-20(8) was promulgated on February 25, 2007. This section of this Ordinance shall not be enforced against the Owners who were using their properties in the manner described in Paragraph 7.1 of this Ordinance before February 25, 2007.

SECTION 8 Requirements for Disconnection from Public Sanitary Sewers

- 8.1 Once the District has begun charging the Owner served or capable of being served by the District's Sewage Works charges shall not cease nor shall charges be reduced so long as there is a structure capable of producing sewage or potentially capable of producing sewage located on the property being served by the District's Sewage Works.
- 8.2 In the event that an Owner shall render his or her property permanently incapable of producing sewage in a manner satisfactory to the District, the Board may authorize the discontinuance of all monthly charges to said Owner, including operation and maintenance charges and debt service charges.
- 8.3 As conditions of the Board's approval of the discontinuance of all charges, the Owner shall do the following:
- 8.3.1 Remove from any and all structures on the property external plumbing, including, but not limited to, toilets, sinks, showers, tubs, and faucets; and
- 8.3.2 Disconnect, cut, and/or cap in a manner satisfactory to the District all water supply lines running from any water source to any structures on the property; and
- 8.3.3 Disconnect, cut, and/or cap in a manner satisfactory to the District all sanitary sewer lines running from any structure on the property to the District's line; and
- 8.3.4 Pay all monthly charges due on or before the date of discontinuance; and

- 8.3.5 Pay all costs related to, associated with, or arising from the disconnection of the Owner's property and uses from the District's Sewage Works. Said costs shall include, but not be limited to, those costs related to, associated with, or arising from removal of any grinder pump, pump chamber, and/or other equipment owned by the District and located on said property; closing, capping, or terminating any lateral or other sewer line from the property to the District's collection line in a manner and at a point acceptable to the District; reconnecting to the District's Sewage Works the property of any other User that was connected to the removed grinder pump, pump chamber, or related equipment; inspections of said work performed by or on behalf of the District; and administrative costs; and
 - 8.3.6 Perform or cause to be performed all work related to, associated with, or arising from disconnection of the Owner's property from the District's Sewage Works in a manner acceptable to and approved by the District; and
 - 8.3.7 Execute a form of acknowledgment approved by the Board stating that the Owner has been given a copy of this Ordinance, that he or she has read it, that he or she has understood this Ordinance, and that he or she shall abide by and comply with this Ordinance.
- 8.4 If the Board approves the discontinuation of charges, the Owner shall thereafter report to the Board, in writing, as follows:
- 8.4.1 At least once a year or as often as the District may reasonably require, whether the property has been restored to the extent that it is capable of producing Sewage; or
 - 8.4.2 Within 30 days of closing, whether the property has been conveyed to another Owner and, if so, the name, address, and telephone number of the new Owner.
- 8.5 In the event that an Owner of property that has been disconnected from the District's Sewage Works restores or constructs any structure so that it is capable of producing Sewage or potentially capable of producing Sewage on said property, said Owner shall be required to reconnect said property to the District's Sewage Works. Said Owner shall pay any and all costs related to, associated with, or arising from reconnecting the property to the District's Sewage Works, including, but not limited to, purchase of a grinder pump, pump chamber, and related equipment; construction and installation; inspections; and administrative costs. In addition, said Owner shall pay either of the following sums, whichever is less: any and all monthly debt service charges that have accrued from the date the property was disconnected from the District's Sewage Works to the date that said property was reconnected to the District's Sewage Works or the amount of the connection charge applicable to the service area where the property is located in the year the property was reconnected. Immediately upon establishing the reconnection to the District's Sewage Works, said Owner shall pay and shall continue to pay thereafter the full monthly rate charged to Users in the service area where the property is located.
- 8.6 All requests for termination of charges shall be brought to the Board for consideration and decision. The Board shall not entertain nor act on any request for termination of charges

until the property has been inspected by an Operations Technician or his staff and an Operations Technician and/or the General Manager advise the Board that the Owner has complied with this Section 29 of this Ordinance in their entirety.

SECTION 9 Damage to District Property Prohibited

It shall be unlawful for any unauthorized person to knowingly, intentionally, maliciously, willfully or negligently break, damage, destroy, remove, deface or tamper with any structure, appurtenance or equipment that is part of the District's Sewage Works.

SECTION 10 Repair of Connection

- 10.1 The Owner shall be responsible and liable for maintenance and repair of the connection, including, but not limited to, the Building Sewer or the Building Sewer connection, including, but not limited to, the point at which the Building Sewer enters a grinder pump.
- 10.2 The District shall have the authority to order an Owner to make repairs to a connection when the District determines that the disrepair has a detrimental effect on the public sanitary sewer system or is causing damage to a street, alley or other surface improvement. An order directing an Owner to make repairs shall be sent to the Owner by certified mail, return receipt requested.
- 10.3 If the Owner fails to make the repairs ordered by the District within the period of time allotted by the District, the District shall have the authority to perform or cause to be performed the repair to the connection. The Owner shall reimburse the District for the costs and expenses associated with making the repair. Said costs and expenses shall be considered as charges for sewage treatment services and shall be billed to the Owner.

SECTION 11 Dilution

It shall be unlawful for any person to increase the use of potable water or process water in any way or to mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with pretreatment standards or requirements. The District may impose discharge limitations on any person using dilution to meet applicable pretreatment standards or discharge permit requirements. The District may also impose discharge limitations in other circumstances deemed appropriate by the Board.

SECTION 12 Accidental Discharges

- 12.1 Each Owner or User shall provide protection from accidental discharge of prohibited or regulated materials or substances to sewers of the District. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the sole expense of the Owner or User. Detailed plans showing facilities

and operating procedures to provide this protection shall be submitted to the District for review and be approved by the District before construction of the facility. Review and approval of plans and operating procedures by the District shall not relieve the Owner or User from responsibility to modify its facility as necessary to meet applicable federal, state and local requirements.

- 12.2 The Owner or User shall notify an Operations Technician immediately when a "slug load" or accidental discharge occurs. A written report shall be submitted within five (5) days of incident. The notification must include the location of the discharge, date and time of occurrence, type of waste, concentration, volume and corrective actions taken. Any industrial User who discharges a "slug load" of prohibited materials shall be liable for any expense, including, but not limited to, loss or damage to the District's Sewage Works, in addition to the amount of any fines imposed upon the District under federal, state or local law.
- 12.3 Signs shall be permanently posted in conspicuous places on the premises of the Owner or User, advising employees whom to call in the event of an accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge as to the emergency notification procedures.

SECTION 13 Prior Approval for Certain Wastes

- 13.1 Review and acceptance by the General Manager shall be obtained prior to the discharge into the public sewers by any Commercial Users or Industrial Us whose wastes have:
- 13.1.1 A BOD content greater than 300 milligrams per liter or COD greater than 600 milligrams per liter, or
 - 13.1.2 A suspended solids content greater than 300 milligrams per liter, or
 - 13.1.3 A phosphorus content greater than 10 milligrams per liter, or
 - 13.1.4 An ammonia (NH₃) content greater than 25 milligrams per liter, or
 - 13.1.5 A pH less than 6.0 or greater than 10.0, or
 - 13.1.6 Other contaminants which from their constituents, nature or quantity will: (a) interfere with the operation of any portion of the Sewage Works of the District; (b) pass through the treatment works or otherwise be incompatible with such works; (c) prevent the reclamation and/or recycling of municipal wastewaters and sludge.
- 13.2 However, nothing in this Section or elsewhere in this Ordinance shall be read to allow the User to discharge pollutants that shall cause interference or pass through and/or to absolve the User from liability in the occurrence of a discharge that causes such interference or pass through.

- 13.3 Exceeding the limitations identified in paragraph 13.1 may result in surcharges to be billed to the property Owner or User.

SECTION 14 Pretreatment Facilities - General

When, after making the aforementioned review, the General Manager concludes that, before the Owner or User discharges waste into the public sanitary sewers, the Owner or User must modify or eliminate those constituents that would be harmful to the structures, processes or operations or any portion of the Sewage Works or injurious to the health of the general public, then that Owner or User shall either modify the wastes at the point of origin or shall provide and operate, at sole expense of the Owner or User, such preliminary treatment and processing facilities as may be deemed necessary to render the waste of the Owner or User acceptable for admission into the public sewers.

SECTION 15 Pretreatment Facilities - Prior Approval

Plans, specifications and any other pertinent information relating to proposed treatment or processing facilities shall be submitted to an Operations Technician for examination and approval. No construction of such facilities shall begin until an Operations Technician has given written approval. Such approval shall not exempt the Owner or User from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results of acceptable waste concentrations desired. The approval of proposed facilities and/or equipment by the District shall not be construed in any way as a warranty or guarantee of their construction or manufacture, nor shall it relieve an Owner or User of the liability to enlarge or otherwise modify such facilities to accomplish the intended purpose.

SECTION 16 Pretreatment Facilities Operation

- 16.1 Where the aforementioned treatment or processing facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the Owner or User at his or her sole expense and shall be subject to periodic inspection by the District. The Owner or User shall maintain suitable operating records, which shall be open to inspection by the District and shall submit to an Operations Technician such monthly summary reports of the character of the influent and effluent as an Operations Technician may require. All records and reports shall be retained for a minimum of three (3) years.
- 16.2 Pursuant to 40 CFR 403.12(o), the District may, at its discretion, require that records be kept for a longer period in the case of unresolved litigation or when requested by the District.
- 16.3 All industries whether defined as categorical or noncategorical by state and federal regulation shall comply with all requirements of 40 CFR 403.12, including, when applicable, Baseline Monitoring Reports (BMRs), 90 Day Compliance Reports and Periodic Compliance Reports.

SECTION 17 Categorical Pretreatment Standards

The District shall enforce all federal Categorical Pretreatment Standards upon the Categorical

persons within service areas to which this Ordinance is applicable or the service area of any Contract Customers.

SECTION 18 Prohibited Industrial and Commercial Discharges

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

18.1.1 Any liquids or vapor having temperature greater than 140 degrees Fahrenheit.

18.1.2 Any waters or wastes from industrial or commercial sources containing more than 100 milligrams per liter of fats, oils and grease (FOG). The General Manager shall determine the limits of animal- or vegetable-based fats, oils and grease that are unacceptable or that shall require additional treatment. Such determinations shall be ratified by the Board. Said maximum limits shall be calculated and set at a level or an amount shown not to cause interference or obstruction in the collection system and/or wastewater treatment facility and/or any other part of the works and shall be reevaluated and adjusted as necessary to protect the integrity of the District's Sewage Works. Any gasoline, benzene, naphtha, fuel oil, mineral oil or other flammable or explosive solid, liquid or gas.

18.1.3 Any noxious or malodorous gas or substance that either alone or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of preventing entry into the sewers for their maintenance or repair.

18.1.4 Any garbage that has not been properly pretreated, reduced or shredded per paragraph 2.41.

18.1.5 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the Sewage Works.

18.1.6 Any waters or wastes having a pH less than 6.0 or greater than 10.0 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the District.

18.1.7 Any waters or wastes containing toxic substances as defined under Section 307 (b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process of the District's Sewage Works or that will pass through the District's wastewater treatment facilities into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority having jurisdiction, or will prevent the disposal of the sludges of the wastewater treatment facilities in accordance

with Section 405 of said Act.

- 18.1.8 Any toxic radioactive isotopes, without a special permit.
 - 18.1.9 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of BOD or total suspended solids of the User's sewage discharged during a 24-hour period of normal operation.
 - 18.1.10 Any waters or wastes containing suspended solids of such character and quantity that unusual provisions, attention and expense would be require to handle such materials by the Sewage Works.
 - 18.1.11 Any waters or wastes containing incompatible pollutants as herein described.
 - 18.1.12 Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the District's wastewater treatment facilities to which the sewage will eventually pass, that will pass through the facilities into the receiving waters or accumulate in the sludges in an amount exceeding the limitations, set forth by any federal, state, interstate or local authority, whichever is more stringent. Specifically excluded are any waters or wastes containing toxic ion, compounds or substances in concentration or amounts exceeding the limitations set forth by the District.
 - 18.1.13 Any bulk waste, either industrial or domestic, without prior written approval of an Operations Technician.
 - 18.1.14 Any substance with objectionable color not removed by the treatment process, such as, but not limited to, dye waste and vegetable tanning solutions.
 - 18.1.15 Pollutants that create a fire or explosion hazard in the Sewage Works, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade using test methods specified in 40 CFR 261.21.
- 18.2 The District reserves the right to refuse, deny or revoke the connections of any User in the event the sewage service requirements of the User, in the judgment of an Operations Technician, could or would impose an excessive burden on the Sewage Works or in the event the User is or has been in repeated violation of this Ordinance. The District further reserves the right in the event of any emergency to restrict the allowable discharge received from any or all large Users of the Sewage Works during the time of such emergency.

SECTION 19 Responsibility for Obstructing or Damaging Sewers

If public sanitary sewer becomes obstructed or damaged because any of the aforementioned

substances were improperly discharged, the person or persons responsible for such discharges shall reimburse the District for the expenses incurred by the District for cleaning out, repairing or rebuilding the sewer or for any litigation or damage claims related or incidental thereto or arising therefrom, including, but not limited to, attorney fees and court costs.

SECTION 20 Submission of Data on Industrial Waste

- 20.1 The following conditions are required for all SIU permits and also may be incorporated into other permits at the discretion of General manager:
 - 20.1.1 A statement of duration;
 - 20.1.2 A statement of non-transferability;
 - 20.1.3 Applicable federal, state and local effluent limits;
 - 20.1.4 Self-monitoring, sampling, reporting, notification and recordkeeping requirements; and
 - 20.1.5 A statement of applicable civil and criminal penalties, pursuant to 40 CFR 403.8(f) (1)(iii).
- 20.2 Any person who discharges industrial waste into the Sewage Works either directly or indirectly, shall forthwith fill out and file, with the General Manager an industrial waste questionnaire, baseline monitoring report or permit application, the form for which will be furnished by the District, in which shall be set forth the quantity and characteristics of the wastes discharged into the Sewage Works. Any Owner desiring to establish a new connection to the public sanitary sewer or to establish a new account with Sewage Works for the purpose of discharging industrial or commercial waste shall 90 days prior to discharge first fill out and file with the General manager such a questionnaire, baseline monitoring report and/or permit application, which shall contain the actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. After review of the submitted documents and permit application, the General Manager shall issue an industrial wastewater discharge permit that shall contain conditions and requirements with which the Owner shall comply. All rules and regulations of the District must also be followed by a permitted User.
- 20.3 Any person who adds, changes, modifies or proposes to change manufacturing or pretreatment processes shall first notify the District, in writing, and submit a new or revised Baseline Monitoring Report for review by the General Manager.
- 20.4 Any person who knowingly makes any false statement, representation or certification in any application, report or other document required by this Ordinance or other applicable regulations shall, upon conviction, be punished by the imposition of a civil penalty as required by local and state ordinances and statutes.
- 20.5 When special circumstances render it an unreasonable burden to comply with the time

schedule determined by the District for the correction of any industrial waste discharge problem, an extension of time, not to exceed ninety (90) days, may be granted by the District upon presentation in writing of an application for such relief.

SECTION 21 Confidential Information

Information and data furnished to the District by a discharger shall be made available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate as per 40 CFR 2.203 and 330 IAC 5-1.5, as amended, that the release of such information would divulge information, methods of production entitled to protection as trade secrets or proprietary information of the discharger. However, under no circumstances may the volume of the components of the discharge be considered confidential. All requests, by the discharger, for confidentiality of information shall be made in accordance to and governed by the provisions of 330 IAC 5-1.5 and 40 CFR 2.

SECTION 22 Control Manholes

Any person who discharges or may discharge industrial wastes into public sanitary sewer via any means such as floor drains, sinks, catch basin, etc., shall be required by the District to construct and maintain, at his or her sole expense, one or more control manholes, at a specified location or locations, to facilitate the observation, measurement and sampling of said person's wastes. Such manholes shall be constructed in accordance with the standards and specifications of the District. The District may also require the person to install and maintain in any such manhole, at said person's sole expense, an approved volume-measuring device. Plans and/or shop drawings for the installation of control manholes and related equipment shall be approved by the District before any construction is begun.

SECTION 23 Grease and Sand Traps

- 23.1 One or more grease, oil or sand interceptors or traps shall be provided by the Owner when, in the opinion of the District after inspection and verification by an Operations Technician, said devices are a necessary component of the building sewer for the proper handling of liquid waste containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients.
- 23.2 Each interceptor or trap shall be of a type and capacity approved by the District and shall be located so as to be effective in preventing the introduction of harmful substances into the District's systems and to be readily accessible for inspection, cleaning and maintenance by the Owner, his or her agents or employees or the District's agents or employees.
- 23.3 Each interceptor or trap shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures, shall be of substantial construction, shall be gas tight and equipped with easily removable covers and comply with the most recent edition of the Indiana Plumbing Code.
- 23.4 Where installed, all grease, oil and sand interceptors or traps shall be maintained by the Owner, at his or her sole expense, and shall be in continuously effective operation at all

times. If, at any time, levels of grease, fats or oils exceed levels stated in paragraph 18.1.2., the District shall direct the Owner to pump and/or clean each interceptor or trap on a schedule established by the General Manager to prevent the introduction of harmful substances into the District's systems. Proof of pumping and/or cleaning shall be provided as directed to the General Manager.

SECTION 24 Waste Sampling

- 24.1 Any person shall be subject to periodic and random inspections by the District for the purposes of determining compliance with permit limitations, solvent management plans or spill prevention plans; identifying dilution streams; or categorizing regulated processes. These inspections may consist of monitoring and/or sampling waste streams, inspection of the premises, inspection and/or copying of production records, pretreatment operating records and other records or data deemed necessary by the General Manager for the purposes stated above.
- 24.2 The installation, operation and maintenance of the sampling facilities shall be at the sole expense of the Owner or User discharging the wastes and shall be subject to the approval of an Operations Technician. Access to the sampling facilities shall be granted, at all times, to the District.
- 24.3 Where the operation of an Owner or User has security measures in force that require proper identification and clearance before entry onto the property of the Owner or User is granted, the Owner or User shall make the necessary arrangements with his or her security personnel that upon showing of proper identification personnel from the District shall be permitted to enter without delay for the purpose of observing or monitoring of wastes being discharged at a given point or points. In the alternative, an Owner or User shall install suitable control manholes outside of the security area or areas, which at all times shall be immediately available to District personnel.

SECTION 25 Waste Analysis Procedures and Charges

- 25.1 Laboratory procedures used in the examination of industrial wastes shall be those set forth in Code of Federal Regulations 40 CFR 136 or approved EPA methods.
- 25.2 Charges to Users: Alternate methods for certain analyses of industrial wastes may be used subject to mutual agreement between the District and the User. In the event of a dispute between the District and the User as to the characteristics, strength, toxic nature or other particulars of the sample taken and analyzed by the District either party may request that the sample in dispute be analyzed by a mutually acceptable referee whose charges shall be paid by the party requesting the analysis. Analysis made by the District at the request of the User shall be charged to the User according to the standard work order billing procedure. All such analysis shall be binding in determining strength-of-waste surcharge and other matters dependent upon the character and concentration of wastes.
- 25.3 Charges to Governmental Agencies: Analysis run by the District for any governmental

agency or political subdivision shall be billed to such agency of the political subdivision for direct labor and expenses according to the standard work order billing procedure.

SECTION 26 Use of Representative Analysis

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

SECTION 27 Enforcement

- 27.1 Users of the District's Sewage Works shall immediately notify the District of any unusual flows or high-strength wastes that are discharged accidentally or otherwise to the Sewage Works.
- 27.2 An Operations Technician, the General Manager and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties in the District's territory or within in the District's jurisdiction for the purposes of inspection, observation, measurement, sampling and testing to enforce the provisions of this Ordinance and any other applicable federal, state or local law, regulation or rule. District employees or agents shall have no authority to inquire into any processes, including metallurgical, chemical, oil, ceramic, paper or other industries, beyond those inquiries having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- 27.3 While performing necessary work on private properties, District employees or agents shall observe all safety rules applicable to the premises that have been established by Owner or User and that the District employees or agents have been informed of by the Owner or User.
- 27.4 District employees or agents bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for purposes of, but not limited to, inspection, observation, measurement, sampling, repair, replacement or maintenance of any portion of the Sewage Works lying within said easement. All entry and subsequent work, if any, on said easement shall be performed in accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 28 Penalties for Violation

- 28.1 In addition to any other remedies or relief identified in this Ordinance, the District may enforce this Ordinance with any or all remedies available to it under IC. 36-1-6 *et seq.* and any subsequent amendments thereto.
- 28.2 Any person violating any provision of this Ordinance shall be served with written notice

stating the nature of the violation and a reasonable time limit ranging between 10 and 60 days for satisfactory correction of such violation. The offender shall, within the time limit stated in such notice, permanently cease and cure all violations. Each day in which such violation continues shall be deemed a separate offense.

- 28.3 Subject to the limitations of Section 28.5, Any person who violates or fails to comply with any provision of this Ordinance or of the rules and regulations of the Board pertaining thereto may be deemed to have committed a Class C infraction and if convicted of such infraction in a court of competent jurisdiction will be subject to a fine not to exceed \$500.00 per infraction as provided by IC 34-28-5-4. Each day that such violation occurs shall be deemed a separate offense.
- 28.4 In addition to any other remedies or relief identified in this Ordinance, the District may enforce this Ordinance with any or all remedies available to it under IC. 13-26 *et seq.* and any subsequent amendments thereto.
- 28.5 Notwithstanding anything herein contained, if a User or Owner fails to connect to a public sewer in accordance with Section 4.6, they may be charged a penalty of up to \$100.00 per day. The District shall have the sole and exclusive authority charge such penalty immediately upon the failure to connect as required under Section 4.6.
- 28.6 Any person found to be violating any provision of this Ordinance shall be liable to the District for any expense, loss, damage or fine, including, but not limited to, attorney fees and other costs resulting from the existence of such violation.
- 28.7 The District's employees or agents bearing proper credentials and identification shall be permitted to enter all properties located within the District's territory or served or to be served by the District's Sewage Works for the purposes of inspection, observation, measuring, sampling and testing arising from, related to or incidental to enforcement of the provisions of this Ordinance and any other applicable federal, state or local laws, regulations or rules.
- 28.8 In addition to any other remedies provided by this Ordinance, other Ordinances or federal and state law, the District may disconnect the sanitary sewer service to the property. Sewer service shall not be restored until the delinquent account has been paid or the violation has been cured and all costs and penalties, including, but not limited to, the costs of terminating and reconnecting the sewer service, shall have been paid.
- 28.9 The Board has determined that the measures set out in this and other sections of this Ordinance are reasonable means of ensuring compliance with this Ordinance and are further necessary to protect and ensure the health, safety and welfare of Owners within its territory.

SECTION 29 Notice

Notice to be given by the District under this Ordinance or for any other purpose incident to the operation of the District's Sewage Works shall be sufficient if it is addressed to the Owner or User

of any property in the District's territory or under the District's jurisdiction and mailed or delivered to the address of the Owner's or User's property within the District's territory or under the District's jurisdiction or to the address of the Owner or User shown on the property tax records of the county where the property is located. It shall be the responsibility of the Owners or Users of all property served or to be served by the District's Sewage Works to accurately identify their current mailing addresses to the District in writing and to keep said addresses current.

SECTION 30 Appeals

An Owner affected by a decision or action of a District employee, including, but not limited to, the General Manager or an Operations Technician, pursuant to this Ordinance may appeal the decision or action to the Board. A decision of the Board made pursuant to this Ordinance may be reviewed by a court of competent jurisdiction under J.C. 4-21.5 *et seq.*, the Indiana Administrative Orders and Procedures Act, and any subsequent amendment thereto.

SECTION 31 Ordinances Repealed

This Ordinance repeals, replaces and supersedes Ordinance No. 1995-6-14(8), Ordinance No. 1997-4-30(D), Ordinance No. 2007-2-20(8), Ordinance No. 2008-3-12, Ordinance No. 2009-1-14, Ordinance No. 2009-2-11(A), Ordinance No. 2009-10-14(A), Ordinance No. 2011-12-14, Ordinance No., Ordinance No. 2013-04-18(A) and Ordinance No. 2015-1-15. All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without the invalid part.

SECTION 32 Effective Date

This Ordinance shall take effect upon promulgation according to law.

ALL OF WHICH IS DULY RESOLVED THIS 21st DAY OF MARCH, 2019.

BOARD OF TRUSTEES
LAGRANGE COUNTY REGIONAL
UTILITY DISTRICT



Cletus Schenkel



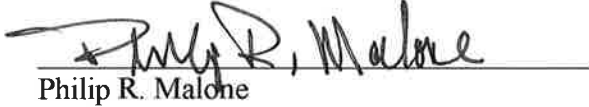
Gerry Turner

Dennis Davis



Kathy Wonderly

ATTEST:


Kathy Wonderly
Philip R. Malone