

AUG 06 2012

CITY CLERK**GENERAL ORDINANCE NO. 8, 2012**

AN ORDINANCE TO AMEND *TERRE HAUTE CITY CODE* CHAPTER 9, ARTICLES 2, 3, 4, AND 5 TO AMEND THE SEWER USE ORDINANCE PROVISIONS.

WHEREAS, in order to comply with U.S. EPA and Indiana Department of Environmental Management (IDEM) requirements for the City's NPDES Permit, the City of Terre Haute is required to update and revise its Sewage Use Ordinance Provisions.

THEREFORE, BE IT ORDAINED by the Common Council for the City of Terre Haute as follows:

SECTION 1. That *Terre Haute City Code* Section 9-1 through and including Sec. 9-4 shall remain unchanged.

SECTION 2. That *Terre Haute City Code* Sections 9-5 and 9-6 which currently have been "reserved for future use" will now be utilized and moved into Article 2 for use.

SECTION 3. That *Terre Haute City Code* existing Chapter 9. Article 2. Sewage Usage and Industrial Pretreatment Sections 9-7 through and inclusive of Sec. 9-71 are hereby deleted and replaced with the following text:

CHAPTER 9. UTILITIES

...

ARTICLE 2. SEWAGE USAGE AND INDUSTRIAL PRETREATMENT.Division I. General Provisions.**Sec. 9-5 Purpose and Policy.**

This Article sets forth uniform requirements for all users of the sewer system components of the Publicly Owned Treatment Works (POTW) of the City of Terre Haute, Indiana and to enable the City of Terre Haute to comply with all applicable State and Federal laws, including the Clean Water Act and the General Pretreatment Regulations. The objectives of this Ordinance are:

- a. To regulate the discharge to, and use of, public and private sewers within the service area of the Publicly Owned Treatment Works of Terre Haute; and the installation and construction of service connections to building sewers within the Terre Haute sewer service area;
- b. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

c. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

d. To protect the POTW, all POTW personnel and the general public from unregulated discharge of wastewater whose constituents could endanger the POTW system and the health and welfare of the POTW personnel or the general public;

e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;

f. To enable the City of Terre Haute, Indiana to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject; and

g. To establish a Pretreatment Program for the regulation and control of industrial discharges through the issuance and enforcement of Industrial Wastewater Discharge Permits that set forth the terms, conditions and regulations under which non-compatible wastewaters may be discharged into the City's POTW.

This Article shall apply to all users of the Publicly Owned Treatment Works.

Sec. 9-6 Administration.

Except as otherwise provided herein, the Director of the Terre Haute Wastewater Utility (Director) shall administer, implement, and enforce the provisions of this Article. Any powers granted to or duties imposed upon the Director may be delegated by the Director to other POTW personnel, such delegation(s) shall be in writing and available for public review.

Sec. 9-7 Abbreviations.

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

*	BMP	Best Management Practice
*	CBOD	Carbonaceous Biochemical Oxygen Demand
*	CIU	Categorical Industrial User
*	CFR	Code of Federal Regulations
*	COD	Chemical Oxygen Demand
*	EPA	U.S. Environmental Protection Agency
*	gpd	gallons per day

*	IDEM	Indiana Department of Environmental Management
*	IU	Industrial User
*	mg/L	milligrams per liter
*	NPDES	National Pollutant Discharge Elimination System
*	NSIU	Non-significant Industrial User
*	NSCIU	Non-significant Categorical Industrial User
*	POTW	Publicly Owned Treatment Works
*	RCRA	Resource Conservation and Recovery Act
*	SIC	Standard Industrial Classification
*	SIU	Significant Industrial User
*	SNC	Significant Non-Compliance
*	TBOD	Total Biochemical Oxygen Demand
*	TSS	Total Suspended Solids

Sec. 9-8 Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Article, 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.

b. **Ammonia (or NH₃-N).** Ammonia measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR 136.3.

c. **Applicable Pretreatment Standard.** Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in the Ordinance and considered to be most restrictive with which non-domestic users will be required to comply.

d. **Approval Authority.** The US Environmental Protection Agency (EPA), Region 5.

e. **Authorized Representative of the User.**

- (1) If the user is a corporation:
 - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production, or operating facilities , provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct comprehensive measures to assure long-term environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a Federal, State or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 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 company, and the written authorization is submitted to the Director.

f. **Average Monthly Discharge Limitation.** The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

g. **Average Weekly Discharge Limitation.** The highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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

i. **Best Management Practice or BMP.** The following measures to prevent or reduce the pollution of local, state and federal waters. BMPs may be employed, for example, to

control plant site runoff; spills, leaks and slug discharges; sludge or waste disposal; or drainage from raw materials storage areas resulting from manufacturing; commercial; mining or silviculture activities.

- (1) Schedule of activities;
- (2) Prohibition of a specific practice;
- (3) Treatment requirements;
- (4) Operation and maintenance procedures
- (5) Use of containment facilities;
- (6) Other practices as approved by the Approval Authority

j. **Biochemical Oxygen Demand (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l.)

k. **Board of Public Works and Safety.** The Board of Public Works and Safety of the City of Terre Haute, Indiana, or any duly authorized officials or boards acting in its behalf.

l. **Building (or House) Drain.** The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.

m. **Building Sewer (or Drain) – Sanitary.** A building drain which conveys sanitary or industrial sewage only.

n. **Building Drain – Storm.** A building drain which conveys storm water or other clean water draining, but not wastewater.

o. **Building Sewer (lateral).** A pipe which is connected to the building (or house) drain at a point approximately five (5) feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, to a septic tank or other place of disposal.

p. **Categorical Industrial User.** An industrial user subject to the categorical pretreatment standards in 40 CFR 403.6 and 40 CFR chapter I, subchapter N.

q. **Categorical Pretreatment Standards (Categorical Standards).** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act, which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

r. **Chemical Oxygen Demand.** A measure of the oxygen equivalent of that portion of organic matter in wastewater that is susceptible to oxidation by a strong chemical oxidant, as determined by approved EPA or "Standard Methods".

s. **City.** The City of Terre Haute, Vigo County, Indiana.

t. **City Council.** The Common Council of the City of Terre Haute, Vigo County, Indiana, or any duly authorized official acting on its behalf.

u. **Cooling Water.** The water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only pollutant added is heat.

v. **Combined Sewer.** A sewer pipe intended to receive sanitary, commercial, and industrial wastewaters as well as stormwater from storm events.

w. **Compatible Pollutant.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus any additional pollutants identified in the POTW's NPDES permit, where the POTW is designated to treat such pollutants and, in fact, does remove such pollutants to the degree required by the POTW's NPDES permit or to a substantial degree. Substantial degree is not subject to precise definition but generally contemplates removals in the order of 85 percent or greater. Minor incidental removals in the order of 10 to 40 percent are not considered substantial. Except as prohibited herein or where these materials would interfere with the operation and performance of the POTW, examples of additional pollutants which may be considered compatible, depending on concentration, include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, ammonia, E-Coli, fats, oils and greases of animals or vegetable origin.

x. **Composite Sample.** The sample resulting from the combination of individual samples taken at selected intervals based on the increment of flow or time. Composite wastewater samples shall contain a minimum of eight (8) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

y. **Control Authority.** The term "Control Authority" shall refer to the City of Terre Haute's Board of Public Works and Safety.

z. **Daily Discharge.** Discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

aa. **Debt Service Costs.** The average annual principal and interest payments on all revenue bonds or other long-term capital debt.

bb. **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

cc. **Director.** The Wastewater Director designated by the Board of Public Works and Safety to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Article, or a duly authorized representative.

dd. **Easement.** An acquired legal right for the specific use of land by others.

ee. **Effluent.** Shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

ff. **Environmental Protection Agency (EPA).** The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

gg. **Excessive Strength Surcharge.** An additional charge that is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

hh. **Existing Source.** Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

ii. **Grab Sample.** A sample that is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and over a period of time not to exceed fifteen (15) minutes.

jj. **Ground (shredded) Garbage.** Garbage that has been shredded to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in the sewage system, with no particle being greater than 1/2" in dimension.

kk. **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease interceptors and traps, and vacuum pump tank trucks.

ll. **Incompatible Pollutant.** Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

mm. **Indirect Discharge.** The discharge or introduction of non-domestic pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

nn. **Industrial Wastes.** Industrial wastes shall mean any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resources carried on by any person, exclusive of sanitary sewage.

oo. **Infiltration.** The water entering the sewer system, including building drains, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)

pp. **Inflow.** Water discharged and entering into the sewer system including building drains, from such sources such as but not limited to roof, down spouts, cellars, yard, area drains, foundation drains, unpolluted cooling water, drains from springs and swampy areas, and combined sewers, catch basins, stormwater run-off, street wash water and drainage. (Inflow does not include, and is distinguishable from infiltration).

qq. **Inflow/Infiltration (I/I).** I/I is the total quantity of water from both inflow and infiltration without distinguishing the source.

rr. **Instantaneous Maximum Allowable Discharge Limit.** The maximum concentration 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.

ss. **Interference.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following: inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal methods; causes of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; prevents the use of the POTW's sewage sludge or its sludge disposal method in compliance with the following statutory provisions, regulations, or permits issued thereunder, or more stringent State or local regulations: Section 405 of the Act (33 U.S.C. 1345); the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); and the rules contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941); the Clean Air Act (42 U.S.C. 7401); the Toxic Substances Control Act (15 U.S.C. 2601).

tt. **Maximum Daily Discharge Limitations.** The highest allowable daily discharge for a calendar day or specified 24 hour period.

uu. **Medical Waste.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

vv. **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 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 on-site construction program:
 - (i) any placement, assembly, or installation of facilities or equipment; or
 - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

ww. **National Pollution Discharge Elimination System (NPDES) Permit.** NPDES permit shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of the Act.

xx. **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.

yy. **Non-significant Industrial User.**

- (1) A user not subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges less than an average of twenty-five thousand (25,000) gpd of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);

- (b) Contributes a process waste stream which makes up less than five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- (c) Is designated as such by the City on the basis that it does not have a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

zz. Non-significant Categorical Industrial User.

- (1) A categorical industrial user that never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling, and boiler blowdown wastewater, unless specifically included in the categorical pretreatment standard.)
- (2) A user that:
 - (a) Consistently complies with all applicable pretreatment standards;
 - (b) Annually submits a certification statement (40 CFR 403.12(q); and
 - (c) Never discharges any untreated concentrated wastewater.

aaa. Normal Domestic Sewage. Wastewater or sewage having an average daily concentration as follows:

TSS not more than 300 mg/L
 BOD₅ not more than 250 mg/L
 Ammonia-N not more than 25 mg/L

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences are distinct from industrial processes.

bbb. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

ccc. Person. Any individual, partnership, firm, company, municipal or private corporation, association, society, institutions, enterprise, governmental agency or other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

ddd. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ion expressed in standard units.

eee. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological

materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, industrial wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, TBOD, CBOD, COD, toxicity or odor) discharged or carried in water.

fff. **Pretreatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

ggg. **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

hhh. **Pretreatment Standards.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

iii. **Prohibited Discharges.** Absolute prohibitions against the discharge of certain substances.

jjj. **Publicly Owned Treatment Works (POTW).** A "treatment works", as defined by Section 212 of the Act which is owned by the City. This definition includes any devices or systems used in the collection, pumping, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

kkk. **Sanitary Sewer.** A sewer or system of pipes for conveying sanitary, commercial and industrial wastewaters and into which stormwater and/or water from storm events are not intentionally admitted.

lll. **Septage.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

mmm. **Sewage.** The combination of the liquid and water-carried wastes from residences, business buildings, institutions and industrial establishments singular or in any combination, together with such ground, surface, and storm waters as may be present.

nnn. **Sewage Works.** The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

ooo. **Sewer.** A pipe or conduit or system of pipes and conduits for carrying sewage or other waste liquids.

ppp. "Shall" is mandatory; "May" is permissive.

qqq. **Significant Industrial User (SIU).**

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);
 - (b) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to Terre Haute's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - (b) The Industrial User annually submits the certification statement required in Sec. 9-8(ZZ)(2)(b) of this Ordinance [see 40CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

rrr. **Slug Load or Slug.** Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Sec. 9-9 and Sec. 9-10 of this Ordinance. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15

minutes more than five (5) times the average 24 hour concentration or flows during normal operation.

sss. **Standard Industrial Classification (SIC) Code.** A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

ttt. **State.** State of Indiana.

uuu. **Standard Methods.** The laboratory procedures set forth in the latest edition, at the time of analysis, of Standard Methods for the Examination of Water and Wastewater prepared and published by the American Water Works Association, the Water Environmental Federal and the American Public Health Association.

vvv. **Storm Sewer.** A sewer or system of pipes for conveying surface water or ground water from any source and into which sanitary and/or industrial wastes are not intentionally admitted.

www. **Stormwater.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

xxx. **Total Suspended Solids (TSS).** 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 usually expressed as a concentration (e.g., mg/L). The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR 136.3.

yyy. **Toxic Amount.** Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into an organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

zzz. **Toxic Pollutant.** Those substances referred to in Section 307(a) of the Act, as well as any other known potential substance capable of producing toxic effects.

aaaa. **Total Toxic Organics (TTOs).** TTOs are toxic organics, as defined and analytically measured by definition in the Federal Register.

bbbb. **Upset.** An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with applicable standards due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operator error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities.

cccc. **User.** Any person who contributes, causes, or permits the contribution of residential, commercial, industrial or any other type of wastewater into the City's POTW. Users

may be classified as residential, commercial, industrial, governmental/institutional as may be appropriate to identify the type of wastewater that the user contributes to the wastewater system.

dddd. **Wastewater.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

eeee. **Wastewater Constituents and Characteristics.** The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and other parameters that serve to define, classify or measure the quality, quantity and strength of wastewater.

ffff. **Wastewater Treatment Plant (Treatment Plant).** That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

Division II. General Rules and Requirements.

Sec. 9-9 General Requirements.

a. It shall be unlawful for any person to place, deposit, permit to be deposited or discharge to any natural outlet within the City or any area under the jurisdiction of the City any sanitary, commercial, industrial or polluted wastewaters except where suitable treatment has been provided in accordance with this Article.

b. Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other wastewater treatment facility intended or used for the treatment and/or disposal of sewage.

c. No person shall construct, repair, modify or alter a sewer lateral, public sewer, manhole or other sewer system appurtenance without first obtaining a permit from the Board of Public Works and Safety.

d. No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, pipe or equipment which is part of the sewage system.

e. No person shall discharge or cause to be discharged any stormwater, surface water, ground water, roof run-off, parking lot run-off, cooling water or unpolluted industrial process waters into any sanitary sewer.

f. The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated in the City and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the City, are hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities and industrial waste outlets directly

with the public sewer in accordance with this Ordinance within ninety (90) days after the date of official notice to do so, provided that such public sewer is within three hundred feet (300') of the property line.

g. No statement contained in this Ordinance shall be construed as preventing the City from entering into an agreement between the City and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the City for treatment subject to payment for treatment services by the industrial discharger.

h. 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.

i. A separate and independent sanitary sewer lateral shall be provided for each and every building, except present sewer structures in use; and except that where one building stands at the rear of another on the same lot and no sanitary sewer can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer lateral from the front building may be extended to the rear building and the whole sewer lateral considered as one sewer lateral for the single property.

j. Old building sanitary sewer laterals may be used in connection with new buildings only when televised by the Wastewater Utility and found, on examination and testing by the said Inspector, to meet all requirements of new sanitary sewer laterals.

k. The Wastewater Utility shall develop and submit to the Board of Public Works and Safety for approval written construction standards for the construction of sewer laterals, sewer mains, manholes and other appurtenances that are connected to the City of Terre Haute sewer system. The Wastewater Utility shall revise the construction standards as appropriate and on a regular basis.

l. The construction of all sewers, components, systems or private sewers that connect to the Terre Haute sewer system shall comply with the requirements of the City of Terre Haute Standards and Specifications. 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 Terre Haute sewer system.

m. The construction of combined sewers is prohibited. All new sewers constructed within the Terre Haute wastewater system must be constructed as separate sanitary sewers or as separate storm sewers per the standards described.

n. Any new building connection that may contribute inflow or clear water to an existing combined sewer must be approved by the Director before construction and must be made separate and distinct from the sanitary waste connection to facilitate disconnection of the inflow or clear water connection if and when a separate storm sewer subsequently becomes available.

o. Any establishment that is primarily engaged in activities of preparing, serving, or otherwise making available food for consumption by the public including but not limited to restaurants, commercial kitchens, caterers, hotels, schools, hospitals, prisons, correctional facilities, and care institutions shall have a grease trap or interceptor. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and other food preparation activities that produce a hot, non-drinkable food product in or on a receptacle that requires washing.

- (1) Waste discharge from fixtures and equipment in establishments which may contain fats, oil, or grease, including but not limited to, scullery sinks, pot and pan sinks, and soup kettles may be drained into the sanitary waste through a trap or interceptor which shall be installed in the waste lines where fats, oil, or grease may be introduced into the drainage or sewage system in quantities that can effect line stoppage or hinder sewage treatment or private sewage disposal. The cost of the installation and maintenance of any grease trap or interceptor shall be the responsibility of the owner.
- (2) Grease trap or interceptor sizing and installation shall conform to the current edition of the Uniform Plumbing Code (or applicable plumbing code used by the local agency) and shall be installed at a location where it is easily accessible for inspection, cleaning, and removal of intercepted fats, oil, or grease.
- (3) All grease traps and interceptors shall be serviced and emptied of accumulated waste content regularly as required in order to maintain Minimum Design Capability or effective volume. The frequency of grease removal is dependant upon the capacity of the interceptor and the quantity of grease in the wastewater and should be monitored at least monthly by the owner or other facility personnel. Maintenance logs shall be kept and available on site for review by the City.
- (4) Grease and other waste material that has been removed from the grease trap or interceptor shall not be introduced into any drain, sewer, or natural body of water. This waste matter shall be placed in proper containers for disposal. Where recovery of grease is desired, it can be handled in a manner suitable to the authorities.
- (5) If an obstruction of a sewer main(s) occurs that causes a sewer overflow or failure of the sanitary sewer collection system to convey sewage can be attributed in part or in whole to an accumulation of grease or other waste material from a food service establishment, the City of Terre Haute will take appropriate enforcement actions, as stipulated in the Sewer Use Ordinance, against the generator or contributor of such grease.

Sec. 9-10 Prohibited Discharge Standards.

a. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

b. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) Except in accordance with Sec. 9-9(G) of this Article, wastewater having a pH less than 5.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment, but in no case wastewater which causes the pH at the introduction into the treatment plant to exceed 10;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 3/4 inch (es) (3/4") in dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than 140°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Sec. 9-20 of this Article;
- (9) 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 or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

- (10) 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 City's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Director;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, may be authorized by the Director in a wastewater discharge permit if deemed necessary;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail its NPDES toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or
- (17) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 10% or any single reading over 10% of the Lower Explosive Limit of the meter.
- (18) Materials causing, alone or in conjunction with other materials normally in the sewer system, an obstruction to the flow in the sewer line or system or injury to the sewer system or cause a nuisance or prevention of effective maintenance or operation of the sewer.
- (19) Fats, oils or grease of animal or vegetable origin in concentrations greater than 300 mg/L or fats, oils or grease of petroleum or mineral origin in concentrations greater than 100 mg/L.

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

Sec. 9-11 National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

a. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director, through the designated

Pretreatment Coordinator, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director, through the designated Pretreatment Coordinator, shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

c. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

Sec. 9-12 State Pretreatment Standards.

The State of Indiana's pretreatment standards are hereby incorporated by reference.

Sec. 9-13 Local Limits.

a. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum daily allowable discharge limits.

MAXIMUM DAILY CONCENTRATION

Parameter	Limit Applicable to Non-Categorical Users Only	Limit Applicable to Categorical Industrial Users
Arsenic (total)	0.7 mg/L	0.7 mg/L
Cadmium (total)	0.8 mg/L	0.8 mg/L
Chromium (total)	10.0 mg/L	10.0 mg/L
Copper (total)	9.0 mg/L	9.0 mg/L
Cyanide (total)	0.5 mg/L	Calculated in accordance with National Categorical Pretreatment Standards under Sec. 9-11 of this Ordinance*
Lead (total)	1.2 mg/L	1.2 mg/L
Mercury (total)	0.059 mg/L	0.059 mg/L
Molybdenum	0.62 mg/L	0.62 mg/L
Nickel (total)	0.95 mg/L	Calculated in accordance with National Categorical Pretreatment Standards under Sec. 9-11 of this Ordinance*
Oil and/or grease (non-polar)	100 mg/L	100 mg/L
Oil and/or grease (polar)	300 mg/L	300 mg/L
Zinc (total)	9.0 mg/L	9.0 mg/L

*Limits for these parameters will be established for each categorical industrial user individually in accordance with the National Categorical Pretreatment Standard applicable to that user, and may be greater than the limits applicable to non-categorical users only, consistent with U.S. EPA guidance concerning individual allocation of available industrial loadings.

b. Total Toxic Organics (TTOs) - Limits for those parameters on any TTO list from 40 CFR 405-471 will be considered on an individual case by case basis. The Director shall consider such factors including but not limited to: concentration, loading, flow to the wastewater treatment plant and other consideration necessary to prevent pass through and protect the POTW.

c. Any wastewater containing in excess of 250 mg/L of BOD₅ or 300 mg/L total suspended solids or 25 mg/L ammonia-N will be surcharged as high strength wastewater. The issuance of surcharges for treating high strength wastewater shall not be construed as acceptance of high strength wastewaters for treatment by the City of Terre Haute. The City of Terre Haute reserves the right and authority to prohibit the discharge of high strength wastewater when such wastewaters cause or are reasonably expected to cause POTW upsets, overloading or damage to the sewer collection system.

d. The above limits apply at the point where the wastewater is discharged into the public sewer. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Sec. 9-14 City's Right of Revision.

The City reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

Sec. 9-15 Dilution.

No 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 Director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

Division III. Pretreatment of Wastewater.

Sec. 9-16 Establishment of a Pretreatment Program.

The Director is hereby authorized and directed to establish a Pretreatment Program for the purpose of properly monitoring and controlling the discharging of non-domestic wastewaters into the City of Terre Haute's sewer system. The Pretreatment Program shall have written policies and procedures developed and approved by the Terre Haute Board of Public Works and Safety. The policies and procedures shall address, but not be limited to, issues such as a schedule and frequency of surveillance of Significant Industrial Users, Enforcement Procedures and Enforcement Response Plan.

Sec. 9-17 Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Sec. 9-9 and Sec. 9-10 of this Article within the time limitations specified by EPA, the State, or the Board of Public Works and Safety, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be reviewed and approved by the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Article.

Sec. 9-18 Additional Pretreatment Measures.

a. Whenever deemed necessary, the Director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Article.

b. The Director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

c. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director, they are necessary 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 interceptor units shall be of type and capacity approved by the Director 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 user at their expense.

d. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Sec. 9-19 Accidental Discharge/Slug Control Plans.

The Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan and / or shall evaluate the need for other action to control slug discharges. The Director may require any user to develop, submit for approval, and implement such a discharge / slug control plan and / or identify the other actions to control slug discharges. The Director may develop such a discharge / slug control plan for any user who fails to develop the required plan or who does not address the minimum criteria for a complete plan, as determined by the Director. An accidental discharge/slug control plan shall address, 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 Director of any accidental or slug discharge, as required by Sec. 9-39 of this Article; and
- 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 runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Sec. 9-20 Hauled Industrial Wastewater.

- a. Industrial waste or other non-domestic waste approved by the Director may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. Such waste shall not violate Sec. 9-9 through Sec. 9-15 of this Article or any other requirements established by the City. The Director shall require industrial waste or other non-domestic waste haulers to obtain a license issued by the City (Sec. 9-89 of this Article). The Director may require licensed haulers to provide a laboratory analysis of the waste prior to discharge, to ensure compliance with this Article.
- b. The Director may require generators of hauled industrial waste to obtain wastewater discharge permits. The Director also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Article.
- c. No hauled waste load may be discharged without prior consent of the Director. The Director may collect samples of each hauled load to ensure compliance with applicable standards.
- d. Industrial waste or other non-domestic waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Division IV. Wastewater Discharge Permit and Application.

Sec. 9-21 Wastewater Analysis.

When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ten (10) business days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete and submit this form shall be deemed a violation of this Article and subjects the User to the sanctions set out in Sec. 9-53 through Sec. 9-66 of this Article.

Sec. 9-22 Wastewater Discharge Permit Requirement.

a. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Sec. 9-23 of this Article may continue to discharge for the time period specified therein.

b. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Article.

c. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in Sec. 9-53 through Sec. 9-66 of this Article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

Sec. 9-23 Wastewater Discharge Permitting.

Any user, industrial user or Significant Industrial User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Sec. 9-24 of this Article, must be filed at least one hundred and eighty (180) days prior to the date upon which any discharge will begin or recommence.

Sec. 9-24 Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The Director may require all users to submit as part of an application the following information required by Sec. 9-34(B) of this Article including but not limited to:

a. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

b. Number and type of employees, SIC number, hours of operation, and proposed or actual hours of operation;

c. Each product produced by type, amount, process or processes, and rate of production;

d. Type and amount of raw materials processed (average and maximum per day);

- e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- f. Time and duration of discharges;
- g. The location for monitoring all wastes covered by the permit; and
- h. Flow measurement information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Sec. 9-11(B) (40 CFR 403.6(e)).
- i. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.

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

Sec. 9-25 Application Signatories and Certification.

- a. All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in Sec. 9-47 of this Article.
- b. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.
- c. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Sec. 9-8(zz) of this Article must annually submit the signed certification statement in Sec. 9-47 of this Article.

Sec. 9-26 Wastewater Discharge Permit Decisions.

The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) working days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit with justifiable cause. The Director shall provide the applicant a written record documenting the reasons for approving or disapproving a wastewater discharge permit application.

Division V. Wastewater Discharge Permit Issuance Process.

Sec. 9-27 Wastewater Discharge Permit Duration.

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

Sec. 9-28 Wastewater Discharge Permit Contents.

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

- a. Wastewater discharge permits shall contain:
 - (1) A statement that indicates the wastewater discharge permit effective date and expiration date;
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Sec. 9-30 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
 - (3) Effluent limits based on applicable pretreatment standards;
 - (4) Best Management Practices (BMPs) required by a pretreatment standard, local limit, state or local ordinance;
 - (5) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
 - (7) A written statement documenting the basis for the issuance of the permit and limits.
 - (8) Requirements to control Slug Discharge, if determined by the Director to be necessary.
- b. Wastewater discharge permits may contain, but are not limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) A compliance schedule containing increments of progress with specific dates for the commencement and completion of major events related to the construction and operation of additional pretreatment required for the user to meet applicable categorical pretreatment standards, local limits or other wastewater discharge permit provisions. A specific date for compliance with the applicable standard, limit or condition shall be included in the schedule. No increment of the compliance schedule shall exceed nine (9) calendar months nor may the total schedule exceed three (3) calendar years.
- (4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (5) Development and implementation of waste minimization and/or pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
- (6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (7) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (9) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

Sec. 9-29 Wastewater Discharge Permit Modification.

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

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, receiving waters, or the beneficial use of POTW sludge;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

Sec. 9-30 Wastewater Discharge Permit Transfer.

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

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

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

Sec. 9-31 Wastewater Discharge Permit Revocation.

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

- a. Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the Director of changed conditions pursuant to Sec. 9-38 of this Article;

- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- d. Falsifying self-monitoring reports;
- e. Tampering with monitoring equipment;
- f. Refusing to allow the Director timely access to the facility premises and records;
- g. Failure to meet effluent limitations;
- h. Failure to pay fines;
- i. Failure to pay sewer charges;
- j. Failure to meet compliance schedules;
- k. Failure to complete a wastewater survey or the wastewater discharge permit application;
- l. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Article.

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

Sec. 9-32 Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Sec. 9-24 of this Article, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit.

Sec. 9-33 Regulation of Waste Received from Other Jurisdictions.

a. If another municipality, political jurisdiction or user located within another municipality or other political jurisdiction outside of the City of Terre Haute, contributes wastewater to the POTW, the Board of Public Works and Safety shall enter into an agreement with the contributing political jurisdiction, user and political jurisdiction in which the user is located.

b. Prior to entering into an agreement required by paragraph A, above, the Director shall request the following information from the contributing jurisdiction and user:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction or user;
 - (2) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and
 - (3) Such other information as the Director may deem necessary.
- c. An agreement, as required by paragraph A, above, shall contain the following conditions:
- (1) A requirement for the contributing political jurisdiction and user to adopt a Sewer Use Ordinance which is at least as stringent as this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance or local limits;
 - (2) A requirement for the contributing political jurisdiction and user to submit a revised user inventory on at least an annual basis;
 - (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing political jurisdiction; which of these activities will be conducted by the Director; and which of these activities will be conducted jointly by the contributing jurisdiction and the Director;
 - (4) A requirement for the contributing political jurisdiction to provide the Director with access to all information that the contributing political jurisdiction obtains as part of its pretreatment activities;
 - (5) Limits on the nature, quality, and volume of the contributing political jurisdiction's and user's wastewaters at the point where it discharges to the POTW;
 - (6) Requirements for monitoring the contributing political jurisdiction's discharge;
 - (7) A provision ensuring the Director access to the facilities of users located within the contributing jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director; and
 - (8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.

Division VI. Reporting Requirements.

Sec. 9-34 Baseline Monitoring Reports.

- a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category

determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- b. Users described above shall submit the information set forth below.
 - (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.
 - (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
 - (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Sec. 9-43 of this Article.
 - (c) Sampling must be performed in accordance with procedures set out in Sec. 9-44 of this Article.
 - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and

maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule, as described in Sec. 9-28(B)(3) of this Article, by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Subsection must meet the requirements set out in Sec. 9-35 of this Article.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Sec. 9-25 of this Article.

Sec. 9-35 Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by Sec. 9-34(B)(7) of this Article:

- a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- b. No increment referred to above shall exceed nine (9) months;
- c. The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- d. In no event shall more than nine (9) months elapse between such progress reports to the Director.

Sec. 9-36 Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, and/or Best Management Practices (BMPs) or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and/or Best Management Practices (BMPs) and requirements shall submit to the Director a report containing the information described in Sec. 9-34(B)(4-6) of this Article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of

production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Sec. 9-25 of this Article.

Sec. 9-37 Periodic Compliance Reports.

a. All significant industrial users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Sec. 9-25 of this Article.

b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

c. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in Sec. 9-44 of this Article, the results of this monitoring shall be included in the report.

d. If a Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Director or the pretreatment standard necessary to determine the compliance status of the user.

e. The Director may modify the months during which the required reports are submitted after consideration of such factors as local high or low flow rates, holidays, budget cycles, reporting periods, etc., upon receipt of a request for a modified schedule from the user or as desired by the Director.

Sec. 9-38 Reports of Changed Conditions.

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, potential for slug discharge or volume of its wastewater at least thirty (30) working days before the change.

a. The Director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Sec. 9-24 of this Article.

b. The Director may issue a wastewater discharge permit under Sec. 9-26 of this Article or modify an existing wastewater discharge permit under Sec. 9-29 of this Article in response to changed conditions or anticipated changed conditions.

Sec. 9-39 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, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

b. Within five (5) days following such discharge, the user shall, unless waived by the Director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Article.

c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

d. Significant Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

Sec. 9-40 Reports from Unpermitted Users.

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

Sec. 9-41 Notice of Violation/Repeat Sampling and Reporting.

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

Sec. 9-42 Discharge of Hazardous Waste.

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

Sec. 9-43 Analytical Requirements.

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

Sec. 9-44 Sample Collection.

a. Except as indicated in Subsections B and D below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Director may authorize the use of time proportional sampling or a minimum of eight (8) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

b. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

c. Samples for monitoring compliance of Categorical Industries should be taken immediately downstream from the pretreatment facilities if such facilities exist or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with the regulated wastewater prior to treatment, the user should measure the flows and concentration necessary to allow use of the combined wastestream in order to evaluate compliance with Pretreatment Standards. When an alternate concentration or mass limit has been calculated this adjusted limit along with the supporting data shall be submitted to the Director.

d. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sec. 9-34 and Sec. 9-36 of this Article [40 CFR 403.12(b) and (d)], a minimum of eight (8) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director may authorize a lower minimum. For the reports required by paragraphs Sec. 9-37 of this Article (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

e. Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that are representative of conditions occurring during the reporting period.

Sec. 9-45 Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed the date of receipt of the report shall govern.

Sec. 9-46 Record Keeping.

Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities, instrumentation calibration, operation logs, reports, correspondence and sample logs required by this Article, records indicating compliance with Best Management Practices (BMPs) and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director.

The POTW shall retain and preserve all permit files, records and enforcement activity records for no less than three (3) years.

Sec. 9-47 Certification Statements

a. Certification of Permit Applications and User Reports. The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Sec. 9-24 and 9-25 of this Article; Users submitting baseline monitoring reports under Sec. 9-34 of this Article (40 CFR 403.12 (l)); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Sec. 9-36 of this Article (40 CFR 403.12(d)); and Users submitting periodic compliance reports required by Sec. 9-37 of this Article (40 CFR 403.12(e) and (h)). The following certification statement must be signed by an Authorized Representative as defined in Sec. 9-8(E) of this Article:

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

b. Annual Certification for Non-Significant Categorical Industrial Users. A facility determined to be a Non-Significant Categorical Industrial User by the Director pursuant to Sec. 9-8(zz) or Sec. 9-8(qqq) of this Article must annually submit the following certification

statement signed in accordance with the signatory requirements in Sec. 9-8(E) of this Article. This certification must accompany an alternative report required by the Director:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Sec. 9-8(zz) of the Terre Haute Utilities Ordinance;

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

Division VII. Compliance and Monitoring.

Sec. 9-48 Right of Entry. Inspection and Sampling.

a. The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. Users shall allow the Director 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.

b. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

c. The Director shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

d. The Director may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal

request of the Director and shall not be replaced. The costs of clearing such access shall be born by the user.

f. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this Article.

Sec. 9-49 Search Warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek issuance of a search warrant from a court of competent jurisdiction.

Sec. 9-50 Inspection Warrants.

If the Director has been refused access to a building, structure, or property, or any part thereof, and he or she is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director may seek the issuance of an inspection warrant from a court of competent jurisdiction seeking entry onto the premises of the user for the purpose of conducting such inspection and/or sampling. In the alternative, the Director may seek a court order in a court of competent jurisdiction under legal or equitable proceedings as the City may deem is appropriate.

Division VIII. Confidential Information.

Sec. 9-51 Confidential Information.

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

Division IX. Publication of Users in Significant Noncompliance.

Sec. 9-52 Publication of Users in Significant Noncompliance.

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

a. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

b. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of numeric Pretreatment Standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

c. Any other discharge violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative schedule) that the Director determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Director's exercise of its emergency authority to halt or prevent such a discharge;

e. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

f. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g. Failure to accurately report noncompliance; or

h. Any other violation(s), which may include a violation of Best Management Practices, that the Director determines will adversely affect the operation or implementation of the local pretreatment program.

Division X. Administrative Enforcement Remedies.

Sec. 9-53 Enforcement Remedies.

The Director shall develop and publish a written Enforcement Response Guide outlining cause for enforcement action and the level of enforcement action. Nothing in the Enforcement Response Guide shall limit or restrict the Director from taking enforcement actions more severe than those published in the Enforcement Response Guide.

Sec. 9-54 Notification of Violation.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve upon that user a written Notice of Violation (NOV). Within thirty (30) days of the receipt of a NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director. 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 Director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Sec. 9-55 Consent Orders.

The Director may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 Sec. 9-57 and Sec. 9-58 of this Article and shall be judicially enforceable.

Sec. 9-56 Show Cause Hearing.

The Director may order a user which has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

Sec. 9-57 Compliance Orders.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment

standard or requirement, the Director may issue a Compliance Order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance Orders also may 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 pretreatment standard or requirement, nor does a Compliance Order relieve the user of liability for any violation, including any continuing violation. Issuance of a Compliance Order shall not be a bar against, or a prerequisite for, taking any other action against the user.

Sec. 9-58 Cease and Desist Orders.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director 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; and
- 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 bar against, or a prerequisite for, taking any other action against the user.

Sec. 9-59 Administrative Fines.

a. When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed One Thousand Dollars (\$1,000.00). 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. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1-1/2%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

c. Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest

accruing thereto, shall be returned to the user. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

Sec. 9-60 Emergency Suspensions.

a. The Director may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

b. 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 Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Sec. 9-61 of this Article are initiated against the user.

c. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Sec. 9-56 or Sec. 9-61 of this Article.

d. Nothing in this Article shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

Sec. 9-61 Termination of Discharge.

In addition to the provisions in Sec. 9-31 of this Article, any user who violates the following conditions is subject to discharge termination:

- a. Violation of wastewater discharge permit conditions;
- 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 contained in Sec. 9-9 through Sec. 9-15 of this Article.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Sec. 9-56 of this Article why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the user.

Division XI. Judicial Enforcement Remedies.

Sec. 9-62 Injunctive Relief.

When the Director finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may petition a court of competent jurisdiction through the City 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 Article on activities of the user. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

Sec. 9-63 Civil Penalties.

a. A user who has violated, or continues to violate, any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a civil penalty of not less than One Thousand Dollars (\$1,000.00) nor more than Twenty Five Hundred (\$2,500.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

b. The Director may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

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 of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

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

Sec. 9-64 Criminal Penalties.

a. Any person who knowingly or willfully makes any false statement, representation or certification in any application, report or other document required by this Article or other regulations adopted by the Board, or who tampers with or knowingly or willfully renders inaccurate any monitoring device so as to render false information may be subject to the provisions of IC 35-44-2-1. The Board shall, when appropriate, refer such matters to the City Attorney for consideration of criminal prosecution. The Board also reserves the right to refer suspected knowing or willful violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution.

b. All reports and other documents required to be submitted or maintained pursuant to this Article are subject to: (1) the provisions of 18 USC § 1001 relating to fraud and false statements; (2) provisions of Section 309(c)(4) of the Act, as amended, governing false statements, representations or certification; and (3) the provisions of Section 309 (c)(6) of the Act regarding responsible corporate officers.

Sec. 9-65 Remedies Nonexclusive.

The remedies provided for in this Article are not exclusive. The Director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any non-compliant user.

Division XII. Supplemental Enforcement Action.

Sec. 9-66 Public Nuisances.

A violation of any provision of this Article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person(s) creating a public nuisance shall be subject to the provisions of the City of Terre Haute's Code of Ordinances governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

Division XIII. Affirmative Defenses to Discharge Violations.

Sec. 9-67 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 Director 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 will 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.

Sec. 9-68 Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in this Article 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 City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

Sec. 9-69 Bypass.

- a. For the purposes of this Section,
- (1) "Bypass" or "bypassing" 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 a 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. Notice of Bypass
- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
 - (2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (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 Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- d. Bypassing is prohibited, and the Director may take an enforcement action against a user for a bypass, unless
- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) 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

(3) The user submitted notices as required under paragraph (C) of this Section.

e. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed in paragraph (D) of this Section.

Division XIV. Miscellaneous Provisions.

Sec. 9-70 Adoption of Pretreatment Charges and Fees.

The City may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program that may include:

a. Fees for wastewater discharge permit applications including the cost of processing such applications;

b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;

c. Fees for reviewing and responding to accidental discharge procedures and construction;

d. Fees for filing appeals; and

e. Other fees as the City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Article and are separate from all other fees, fines, and penalties chargeable by the City.

Sec. 9-71 Reserved for Future Use.

SECTION 4. That *Terre Haute City Code* Chapter 9, Article 3, Article 4 and Article 5 are hereby deleted and replaced, except that Sections indicated "Unchanged" herein will retain the existing, with the following text:

ARTICLE 3. REGULATIONS ADDRESSING CONNECTIONS TO AND USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND DISCHARGE.

Sec. 9-72 Definitions.¹

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- a. **B.O.D.** (denoting **Biochemical Oxygen Demand**). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees (20°) C, expressed in milligrams per liter.
- b. **Board.** The Board of Public Works and Safety of the City or its duly authorized agent or employee.
- c. **Building Sewer.** The extension from the building drain to the public sewer or other place of disposal.
- d. **Combined Sewer.** A sewer receiving both surface run off and sewage.
- e. **Director.** The Wastewater Director designated by the Board of Public Works and Safety to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.
- f. **Garbage.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- g. **Industrial Wastes.** The liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- h. **Inspector.** The person or persons duly authorized by the City, through its Board of Public Works and Safety, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- i. **Natural Outlet.** Any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- j. **Person.** Any individual, firm, company, association, society, corporation, or group.
- k. **pH.** The logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.
- l. **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.

¹ Editor's Note: Article 3 sets forth the provisions of Gen. Ord. No. 12, 1970, As Amended, which was passed on June 3, 1970. The *1/94 Municipal Code* set forth the provisions of Ord. No. 6, 1961 instead of Gen. Ord. No. 12, 1970, which the 1999 codifiers believe was in error.

m. **Public Sewer.** A sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

n. **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 feet (3') outside the building walls where it connects with its respective building sewer.

o. **Sanitary Sewer.** A sewer which carries sewage and to which storm, surface, and groundwaters are not intentionally admitted.

p. **Sewage.** A combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.

q. **Sewage Works.** All facilities for collecting, pumping, treating, and disposing of sewage.

r. **Sewage Treatment Plant.** Any arrangement of devices and structures used for treating sewage.

s. **Sewer.** A pipe or conduit for carrying sewage.

t. **Shall** is mandatory; **May** is permissive.

u. **Slug or Slug Load.** Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards contained in Sec. 9-9 of this Ordinance. Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

v. **Storm Drain** (sometimes termed "STORM SEWER"). A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

w. **Suspended Solids.** Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

x. **Watercourse.** A channel in which a flow of water occurs, either continuously or intermittently.

Sec. 9-73 Unlawful Discharges.

a. 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 City, or in any area under the jurisdiction of said City, any human or animal excrement, garbage, or other objectionable waste.

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

c. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septage tank, cesspool, or other facility intended or used for the disposal of sewage.

d. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred feet (300') of the property line.

Sec. 9-74 Compliance Standards.

a. Where a public sanitary or combined sewer is not available under the provisions of Sec. 9-73d., the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Indiana State Board of Health.

b. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Sec. 9-73d., a direct connection shall be made to the public sewer in compliance with this Article, and any septage tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

c. The owner shall operate and maintain the private sewage disposal facilities in sanitary manner at all times, at no expense to the City.

d. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.

Sec. 9-75 Connection and Installation Regulations.

a. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board of Public Works and Safety.

b. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

c. 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, court, yard, or

driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

d. Old building sewers may be used in connection with new buildings only when televised by the Wastewater Utility and are found, on examination and test by the said Inspector, to meet all requirements of this Article.

e. The construction of all sewers, components, systems or private sewers that connect to the Terre Haute sewer system shall comply with the requirements of the City of Terre Haute Standards and Specifications. 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 Terre Haute sewer system.

f. 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.

g. No person shall make connection of roof, downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

h. The connection of the building sewer into the public sewer shall be made by the "Y" branch, if such branch is available at a suitable location. If the public sewer is twelve inches (12") in diameter or less and no properly located "Y" branch is available, the owner shall at his expense install a "Y" branch in the public sewer at the location specified by the said Inspector. Where the public sewer is greater than twelve inches (12") in diameter, and no properly located "Y" branch is available, a neat hole may be cut in the public sewer to receive the building sewer, with entry in the downstream direction at an angle of about forty-five degrees (45°) ell may be used to make such connection, with the spigot end cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be in the upper quadrant of the public sewer; provided that connection may be made at a lower point in the public sewer upon approval by the Board. A smooth neat joint shall be made, and the connection made secure and water tight by encasement in concrete. Special fittings may be used for the connection only when approved by the said Inspector.

i. The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.

j. All excavations for building sewer 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 said City.

k. Cleanout shall be installed at all building sewer deflections exceeding forty-five degrees (45°).

Sec. 9-76 Discharge Regulations.

a. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, sub-surface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

b. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers, or storm sewers, or to a natural outlet approved by the said Superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the said Superintendent, to a storm sewer, combined sewer, or natural outlet.

c. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
- (3) Any waters or wastes having a pH lower than 5.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

d. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Board will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (1) Any liquid or vapor having a temperature higher than one hundred forty degrees (140°).

- (2) Fats, oils or grease of animal or vegetable origin in concentrations greater than 300 mg/L or fats, oils or grease of petroleum or mineral origin in concentrations greater than 100 mg/L.
- (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower or greater shall be subject to the review and approval of the Director.
- (4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Board for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor-producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
- (8) Any waters or wastes having a pH in excess of 10.0.
- (9) Materials which exert or cause:
 - (a) Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (b) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (c) Unusual B.O.D., chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet

the requirements of other agencies having jurisdiction over discharge to the receiving waters.

e. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 9-76 d. of this Article, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Board may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
- (3) Require control over the quantities and rates of discharge; and/or
- (4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of this Article.

If the Board permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Board and subject to the requirements of all applicable codes, ordinances, and laws.

f. Grease, oil, and sand interceptors shall be provided when, in the opinion of the said Board, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Director, and shall be located as to be readily and easily accessible for cleaning and inspection.

g. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

h. When required by the Board, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Board. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

i. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has

been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property.

j. No statement contained in this Section shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

Sec. 9-77 Damage Prohibited.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Sec. 9-78 Inspections, Samplings and Testing.

a. The Director, Inspector, and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this Article. The Board or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment. At any time upon request of the Board, Industrial Users shall furnish quantitative and qualitative analyses of their effluent to the Board.

b. While performing the necessary work on private properties referred to in Sec. 9-78 a. above, the Board or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to City employees and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Sec. 9-76 (h).

c. The Director and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Sec. 9-79 Construction Requirements for Building Sewers.

All building sewers shall be constructed in accordance with the Standards and Specifications of the City of Terre Haute. (Gen. Ord. No. 28, 2000, 12-14-00)

Sec. 9-80 Certain Wastes to Storm or Combined Sewers.²

Sec. 9-81 Penalties.Error! Bookmark not defined.

a. Any person found to be violating any provision of this Article shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof, and the offender shall, within the period of time stated in such notice, permanently cease all violations, provided that with respect to violations of Sec. 9-73(d) of this Ordinance the notice shall be by certified mail and shall allow at least ninety (90) days for the connection required by said Sec. 9-73(d) of this Article.

b. Any person who shall continue any violation beyond the time limit provided for in Subsection A of this Section shall be guilty of an ordinance violation and upon conviction thereof shall be fined in an amount not exceeding One Hundred Dollars (\$100.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. (Gen. Ord. No. 26, 2004, 11-9-04)

c. Any person violating any of the provisions of this Article shall become liable to the City for any expense, loss, or damage occasioned the City by reason of such violation.

Sec. 9-82 through Sec. 9-87 Reserved for Future Use.

ARTICLE 4. SEPTIC TANK REGULATIONS.

Sec. 9-88 Definitions.

a. **Cesspool.** A cavity in the ground which receives human excrement and domestic wastes to be partially absorbed directly by the surrounding soil. (*1964 Terre Haute Municipal Code*, § 1311.01)

b. **Grease Interceptor.** A trap in a drain or waste pipe to stop grease from entering a sewer system.

c. **Seepage Pit.** A dry well, leaching pit or any other cavity in the ground which receives the liquid discharge of a seepage tank.

d. **Septage Tank.** A septage toilet, chemical closet and any other watertight enclosure used for storage and decomposition of human excrement and domestic wastes.

e. **Settling Tank.** A tank for holding liquid until suspended particles settle.

² Editor's Note: § 9-80 "Certain Wastes to Storm or Combined Sewers" was deleted by Gen. Ord. No. 29, 2000, 12-14-00.

Sec. 9-89 License Required.

No person shall engage in the servicing and cleaning of septage tanks, seepage pits, cesspools, grease interceptors or settling tanks within the City until such time as he has applied for and has been issued a license to do so by the City Controller. (*1964 Terre Haute Municipal Code*, § 1311.02)

Sec. 9-90 State License; City License Fee.

No person shall be issued a license by the City Controller until such time as he displays or gives evidence of the fact that a license to engage in the servicing and cleaning of septage tanks, seepage pits, cesspools, grease interceptors or settling tanks has been issued to him by the Indiana Department of Environmental Management. In the event the applicant establishes that he has been duly licensed by the Indiana Department of Environmental Management, and upon the payment of a license fee of Fifty Dollars (\$50.00), the City Controller shall issue a license to the applicant permitting the applicant to engage in servicing and cleaning septage tanks, seepage pits, cesspools, grease interceptors or settling tanks within the City. Such City license shall be renewed each calendar year with \$50.00 fee due.

Sec. 9-91 [Unchanged]

Sec. 9-92 Sewage Disposal at Wastewater Utility; Regulations and Rates.

a. Service Inside County.

- (1) Waste loads originating from septage tanks, seepage pits, cesspools, grease interceptors or settling tanks within the County, may be accepted at the Terre Haute Wastewater Utility, at the place provided therefor. A laboratory analysis of said waste may be performed by the Wastewater Utility and fees may be charged for said laboratory analysis.
- (2) Fees for the expeditious and efficient handling of such waste and the immediate cleansing of all tanks and/or vehicles used to transport the waste to such plant are as follows:

\$0.04 per gallon of truck capacity

b. Service Outside County.

- (1) Waste loads originating from septage tanks, seepage pits, cesspools, grease interceptors or settling tanks from outside the county may be accepted at the Terre Haute Wastewater Utility, at the place provided therefor. A laboratory analysis of said waste may be performed by the Wastewater Utility and fees may be charged for said laboratory analysis.
- (2) Fees for the expeditious and efficient handling of such waste and the immediate cleansing of all tanks and/or vehicles used to transport the waste to such plant are as follows:

\$0.125 per gallon of truck capacity

- c. Invoices for hauled waste will be sent monthly for each month a discharge occurs. Payment in full must be within 30 days of the bill date on the invoice or a ten percent (10%) penalty will be added.

Sec. 9-93 Violation Penalties.

- a. Whoever violates any of the provisions of Article 4 shall be fined as follows:

First Offense	\$500.00
Second Offense	\$1,000.00
Third Offense	City License Revoked

b. The Director of the Wastewater Utility may suspend or revoke a hauling company's dumping privileges at his discretion. Privileges may be suspended or revoked for a variety of reasons, including, but not limited to, the following: failure to comply with safety or conduct requirements, failure to pay sewage billing fees in a timely manner, falsifying information on delivery confirmation receipts, illegal dumping, or other similar issues. The Indiana Department of Environmental Management will be notified of any company's suspension or revocation.

Sec. 9-94 through Sec. 9-97 Reserved for Future Use.

ARTICLE 5. SEWER RATES AND CHARGES.

Sec. 9-98 Basis of Sewer Charges.³

a. For the use of and services rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected to the City's sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sewage system of the City of Terre Haute, which rates, fees and charges are payable as hereinafter provided and shall be in an amount determinable as follows:

b. Except as in this Article otherwise provided, the sewage rates, fees and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges as the same is measured by the water meter there in use and shown by the consumption records of the water utility serving the City of Terre Haute and its inhabitants. (Gen. Ord. No. 1, 1977, As Amended, § 1, 2-10-77, *Journal of Common Council*, p. 19)

Sec. 9-99 through Sec. 9-103 [Unchanged]

³ I.C. § 36-9-25-11, addresses the setting of fees for the treatment and disposal of sewage and other waste discharged into the sewerage system.

Sec. 9-104 Volume, Strength and Character of Sewage and Waste.

a. In order that the rates and charges may be justly and equitably adjusted to the services rendered, the City shall have the right to base its charges not only on volume but also on the strength and character of the sewage and waste which it is required to treat and dispose of. The City shall have the right to measure and determine the strength and content of all sewage and wastes discharged, either directly or indirectly, into the City's sanitary sewerage system, in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The Board of Public Works and Safety is authorized to prohibit the dumping of wastes into the City's sewerage system which, in its discretion, are deemed harmful to the operation of the sewage disposal works of the City. (Gen. Ord. No. 2, 1981, As Amended, § 1(g), 9-10-81)

b. **High Strength Surcharges.** High strength wastewater will be surcharged as outlined below.

- (1) High strength wastewater containing total suspended solids (TSS) in excess of 300 mg/L shall be billed at \$0.25 per pound.
- (2) High strength wastewater with a biochemical oxygen demand (BOD) concentration in excess of 250 mg/L shall be billed at \$0.25 per pound.
- (3) High strength wastewater with a total ammonia-nitrogen (NH₃-N) concentration in excess of 50 mg/L shall be billed at \$0.60 per pound.

Invoices for high strength surcharges will be sent monthly for each month a surcharge may occur. Payment in full must be within 30 days of the bill date on the surcharge invoice or a 10% penalty will be added.

c. **Annual Invoice.** The Industrial Wastewater Permit (IWP) required by the City of Terre Haute shall be issued for a period not to exceed five (5) years and the permittee shall pay an annual fee for the permit.

The Terre Haute Wastewater Department will invoice each permitted industry by December 1 of each year for the annual permit fee for the following year. Payment, in full, is due December 31 of each year for the following year for the permittee's Industrial Wastewater Permit.

d. **Permit Fees.** Permit fees shall be divided into four categories, as follows:

- (1) Category 1: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises more than 25% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes greater than 25% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of Five Hundred Dollars (\$500.00) will be assessed.

- (2) Category 2: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises more than 10% but less than 25% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes greater than 10% but less than 25% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of Three Hundred Dollars (\$300.00) will be assessed.
- (3) Category 3: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises more than 2% but less than 10% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes greater than 2% but less than 10% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of Two Hundred Dollars (\$200.00) will be assessed.
- (4) Category 4: For those permitted industrial users whose combined process and sanitary discharge to the Terre Haute Wastewater Utility comprises less than 2% of the total wastewater flow received by the Terre Haute Wastewater Utility or constitutes less than 2% of the total pollutant loading to the Terre Haute Wastewater Utility an annual Industrial Wastewater Permit Fee of One Hundred Dollars (\$100.00) will be assessed.

e. **Miscellaneous Activities.** Extraordinary costs for miscellaneous activities which may include but are not limited to surveillance inspections, noncompliance monitoring and inspection, review of construction plans, appeals, special studies and priority pollutant analyses, etc., may be billed directly to the industry upon completion of the identified activity, per the rates in the following activity charge table:

ACTIVITY CHARGE TABLE

Consultant	Actual Cost
Legal	Actual Cost
THWU Lab Analyses	Current Market Rate
Contract Lab Analyses	Actual Cost
THWU sewer cleaning services	\$280/hour
Contract sewer cleaning services	Actual Cost
THWU camera/video truck	\$100.00/hour
Contract camera/video truck	Actual Cost

f. In the event a lot, parcel of real estate or building is discharging sewage, industrial wastes, water or other liquids into the City's sewage system, either directly or indirectly, and it can be shown, to the satisfaction of the City, that a portion of the water as measured by the water meter or meters does not and cannot enter the sewage system, then the City may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sewage system. Such percentage, when so determined, shall then constitute the basis of sewage rate or charge, provided, however, that the City in its discretion may require or permit the installation of suitable equipment at the expense of the owner or other interested party in such

a manner as to determine the quantity of water used to determine the sewage rate or charge shall be the quantity of water actually entering the sewage system as so determined.

Sec. 9-105 through Sec. 9-119 [Unchanged]

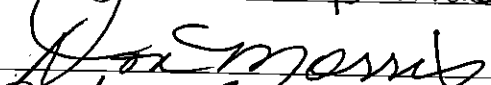
SECTION 5. REPEAL OF CONFLICTING PROVISIONS AND ORDINANCES. All the provisions of any ordinances previously or now in existence and regulations which may be in conflict with this Ordinance are hereby repealed as of the date this Ordinance takes effect.

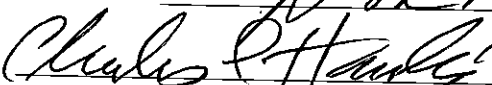
SECTION 6. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance is for any reason held to be invalid, ineffective or unconstitutional by the final decision of any court of competent jurisdiction, the remainder of this Ordinance shall remain in force and effect. The invalidity of any section, subsection, paragraph, sentence, clause, phase or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

SECTION 7. EFFECTIVE DATE. The provisions of this Ordinance shall be in full force and effect upon receipt of notification of approval from the U.S. EPA and the signature by the Mayor of Terre Haute and publication as required by Law.

Introduced by:  Norman Loudermilk, Councilman

Passed in open Council this 13th day of September, 2012.

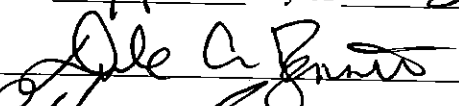
 Don Morris, President

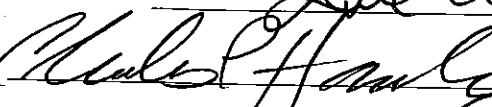
ATTEST:  Charles P. Hanley, City Clerk

Presented by me to the Mayor this 14th day of September, 2012.

 Charles P. Hanley, City Clerk

Approved by me, the Mayor, this 14th day of SEPTEMBER, 2012.

 Duke A. Bennett, Mayor

ATTEST:  Charles P. Hanley, City Clerk