ORIGINAL

WHITESTOWN

INDIANA

SEWER USE ORDINANCE

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ORDINANCE NO. 2015-__

SEWER USE ORDINANCE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, as follows:

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for all users of the sewer system components of the Publicly Owned Treatment Works (POTW) of the Town of Whitestown, Indiana and to enable the Town of Whitestown 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 Whitestown; and the installation and construction of service connections to building sewer within the Whitestown sewer service area;
B. To prevent the introduction of pollutants into the POTW that will interfere with its operation;
C. To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
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 enable the Town of Whitestown, 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 POTW is subject; and
F. 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 in the Town's POTW.

This Ordinance shall apply to all users of the POTW.

1.2 Administration

Except as otherwise provide herein, the Superintendent shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other POTW personnel.

1.3 Abbreviations

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

- CBOD Carbonaceous Biochemical Oxygen Demand
- TBOD Total Biochemical Oxygen Demand
- 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
- NPDES National Pollutant Discharge Elimination System
- mg/L Milligrams Per Liter
- POTW Publicly Owned Treatment Works
- RCRA Resource Conservation and Recovery Act
- SIC Standard Industrial Classification
- SIU Significant Industrial User
- SNC Significant Non-Compliance
- TSS Total Suspended Solids

1.4 Definitions

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

1. Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended
2. 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 40CFR Part 136.3.
3. Applicable Pretreatment Standard. Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in applicable laws or this Ordinance and considered to be most restrictive with which non-domestic users will be required to comply.
4. Approval Authority. The State of Indiana Department of Environmental Management (IDEM).
5. Authorized Representative of the User.
   (a) If the user is a corporation:
      1) 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

2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) 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.

(d) The individuals described in paragraphs a through c, 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 of having overall responsibility for environmental matter for the company, and the written authorization is submitted to the Superintendent.

6. 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.

7. 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.

8. 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 and intangible, as specified by State or Federal law.

9. 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 degrees centigrade, usually expressed as a concentration (e.g., mg/l). The BOD measurement may be specified as "CBOD" or "TBOD". The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

10. Best Management Practices (BMPs). The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sledge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e. management plans) or complying

with, or in place of certain established categorical pretreatment standards and effluent limits.

11. Building (or House) Drain. The lowest horizontal piping of a building drainage system which receives the discharge from waste, and other drainage pipes inside the wall of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.
12. Building Sewer (or Drain) Sanitary. A building drain which conveys sanitary or industrial sewage only.
13. Building Drain, Storm. A building drain which conveys storm water or other clean water drainage, but not wastewater.
14. 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.
15. Categorical Pretreatment Standards (Categorical Standards). Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
16. 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".
17. Cooling Water. The water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only pollutant added is heat.
18. Combined Sewer. A sewer pipe intended to receive sanitary, commercial and industrial wastewaters as well as stormwater from storm events.
19. Compatible Pollutant. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacterial, 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 animal or vegetable origin.
20. 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 four (4) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.
21. Control Authority. The term "Control Authority" shall refer the Town of Whitestown's Town Council.
22. Daily Discharge. Discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

23. Debt Service Costs. The average annual principal and interest payments on all revenue bonds or other long-term debt.
24. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Indiana.
25. Easement. An acquired legal right for the specific use of land by others.
26. Effluent. Shall mean the water, together with any wastes that may by present, flowing out of a drain, sewer, receptacle or outlet.
27. 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.
28. 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".
29. 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.
30. FOG. (All Fats, Oils and Grease, Petroleum Products and By-Products.) Fats, Oils and Grease as typically found in food service facilities include but are not limited to, any substance such as vegetable or animal product that is used in, or is a by-product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions. Petroleum, Oils and Grease as typically found in auto service facilities include but are not limited to any substance such as petroleum oil, non-biodegradable cutting oil or products of mineral oil origin that is used in, or is a by-product of, an automotive process. These substances are detectable and measurable using analytical test procedures established in 40 CFR 136, as may be amended from time to time.
31. FOG Pretreatment Device. Includes oil-water separators, grease traps, and/or grease interceptors.
32. 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 without consideration of time.
33. Grease Interceptor. An outdoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. An interceptor shall have a capacity of at least 1,000 gallons to serve one or more fixtures and shall be located outside the building.
34. Grease Trap. An indoor, watertight receptacle utilized to intercept, collect, and restrict the passage of grease and food particles into the POTW to which the receptacle is directly or indirectly connected, and to separate and retain grease and food particles from the wastewater discharged by a facility. A maximum of four (4) fixtures shall be connected to a grease trap.
35. 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 ½" in dimension.

36. 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.

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

38. 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.

39. 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.

40. 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.)

41. 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.)

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

43. 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.

44. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D or the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

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

46. 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.

47. New Source.

(a) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or(c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

i. Begun, or caused to begin, as part of a continuous on-site construction program; or
ii. Any placement, assembly, or installation of facilities or equipment; or
iii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation or new source facilities or equipment; or
iv. 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.

48. 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 PL 92-500.

49. 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.

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

TSS not more than 225 mg/l
CBOD not more than 200 mg/l
Ammonia-N not more than 20 mg/l
COD not more than 500 mg/l
Phosphorous not more than 5 mg/l

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

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

52. 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 Town's NPDES permit, including an increase in the magnitude or duration of a violation.

53. Person. Any individual, partnership, firm, company, municipal or private corporation, association, society, institution, 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.

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

55. 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, rocks, 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.

56. 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.

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

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

59. Prohibited Discharges. Absolute prohibitions against the discharge of certain substances.

60. Publicly Owned Treatment Works (POTW). A "treatment works", as defined by Section 212 of the Act which is owned by the Town. 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.

61. 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.

62. Septage. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailer, and septic tanks.

63. 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 water as may be present.

64. 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. *(see also IC 36-9-1-8).*

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

66. "Shall" is mandatory. "May" is permissive.

67. Significant Industrial User (SIU).

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

1. 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);
2. 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
3. Is designated as such by the Town 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) 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 Town may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with the Act, determine that such user should not be considered a significant industrial user.

68. Slug Load or Slug. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in Section 2.1 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 of flows during normal operation.

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

70. State. State of Indiana.

71. 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 Federation, and the American Public Health Association.

72. 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.

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

74. Superintendent (aka the Superintendent of Water & Sewage). The Wastewater Superintendent designated by the Town Council to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

75. 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 Part 136.3.

76. Town. The Town of Whitestown, Indiana.

77. Town Council. The Town Council of the Town of Whitestown, Indiana, or any duly authorized officials or boards acting in its behalf.

78. 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.

79. 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.

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

81. 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.

82. User. Any person who contributes, causes, or permits the contribution of residential, commercial, industrial or any other type of wastewater into the Town's POTW. Users may be classified as residential, commercial, industrial, or governmental/institutional as may be appropriate to identify the type of wastewater that the user contributes to the wastewater system. User includes, but is not limited to, the property owner and any tenants or property users.

83. 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.

84. 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.

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

SECTION 2 – GENERAL RULES & REGULATIONS

2.1 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 Town or any area under the jurisdiction of the Town any sanitary, commercial, industrial or polluted wastewater except where suitable treatment has been provided in accordance with Ordinance.

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 connection, public sewer, manhole or other sewer system appurtenance without first obtaining permission from the Superintendent.

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 Town 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 Town, are 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 applicable law.

G. No statement contained in this Ordinance shall be construed as preventing the Town from entering into an agreement between the Town and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the Town 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 where the Superintendent determines in his/her sole discretion that no sanitary sewer can be constructed to a building through nearby property, alley, court, yard, or driveway, and a single sewer lateral for two buildings will not cause problems for the sewer system or operations of the POTW.

J. Old building sanitary sewer laterals may be used in connection with new buildings only when they are found on examination and testing by the Wastewater Department to meet all requirements of new sanitary sewer laterals.

K. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joint testing, and back filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplifications thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing & Materials (ASTM) and Water Pollution Control Facilities (WPCF) Manual of Practice No. 9 shall apply. All sewer laterals shall:

1. Be of a six inch (6") or larger in size, for gravity laterals.
2. Be fitted into an approved "tee" or "Y" fitting into sewer mains of twelve inch (12") or smaller in size.
3. On 12" or larger sewers all saddle connections shall be of an approved type with a positive seal on the connection to the lateral.
4. All connections to the Public Sewer shall be made gas tight and water tight.

L. 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 sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by an accepted means and discharged to the building sewer.

M. The construction of all sewers, components, systems or private sewers that connect to the Whitestown sewer system shall comply with the requirements of the Wastewater Department's Construction Standards. 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 Whitestown sewer system.

N. The construction or connection of combined sewers is prohibited. All sewers constructed within the Whitestown wastewater system must be constructed as separate sanitary sewers or as separate storm sewers per the standards described.

O. Inflow and infiltration is prohibited. Sump pumps, downspouts, surface or subsurface drains, or other mechanisms for catching rainwater, surface water, or groundwater shall not be connected to the sewer system.

2.2 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 degrees F (60 degrees C) using the test methods specified in 40 CFR 260.21;

(2) Wastewater having a pH less than 6.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment;

(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 ¾ inch (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 degrees 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 degrees F (40 degrees C);

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that may 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;

(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 Town's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(12) Stormwater, rain water, surface water, ground water, artesian well water, roof run-off, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent;

(13) Inflow or infiltration;

(14) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(15) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

(16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail its NPDES toxicity test;

(17) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW; or

(18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, or more than 10% or any single reading over 10% of the Lower Explosive Limit of the meter.

(19) 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.

(20) Fats, oils or grease of animal or vegetable origin in concentrations greater than 100 mg/l, unless a more stringent concentration limit is required by the Superintendent in his/her discretion.

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.

2.3 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 Town Council, through the designated Pretreatment Coordinator, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Town Council, through the designated Pretreatment Coordinator, may 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 establishes to the Superintendent's satisfaction, 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.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.4 State Pretreatment Standards

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

2.5 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 allowable discharge limits based upon a 24-hour flow composite sample. No single sample portion of the 24-hour flow composite sample or instantaneous sample shall be in excess of the four (4) times the daily maximum concentration.

1.5 mg/l total aluminum

0.003 mg/l total mercury

0.03 mg/l total arsenic

1.0 mg/l total Molybdenum

0.15 mg/l total cadmium

1.0 mg/l total nickel

1.0 mg/l total chromium

5.0 mg/l total phosphorous

0.5 mg/l total copper

0.10 mg/l total selenium

0.15 mg/l total cyanide

0.25 mg/l total silver

10.0 mg/l total iron

0.5 mg/l total phenols

0.5 mg/l total lead

1.0 mg/l total zi

B. Total Toxic Organics (TTOs) – Limits for those parameters on the TTO list will be considered on an individual case by case basis, by the Superintendent, for those not listed in the 40 CFR Regulations. The Superintendent will 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 200 mg/l of CBOD5, or 225 mg/l total suspended solids, or 20 mg/l ammonia-N, or 500 mg/l chemical oxygen demand, 5 mg/l total phosphorous, or limits set forth in other ordinances or regulations of the Town, will be surcharged as high strength wastewater. Surcharges may be for CBOD5 or COD. The issuance of surcharges for treating high strength wastewater shall not be construed as acceptance of high strength wastewaters for treatment by the Town of Whitestown. The Town of Whitestown 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 Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

2.6 Town's Right of Revision

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

2.7 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 Superintendent 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.

SECTION 3 – PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Industrial users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.2 of this Ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities appropriate 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 Town for review, and shall be reviewed and approved by the Town 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 Town under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed appropriate, the Superintendent 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 appropriate to protect the POTW and determine the user's compliance with the requirements of this Ordinance.

B. The Superintendent 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, or FOG devices, shall be installed and maintained by the user or property owner when, in the opinion of the Superintendent, they are appropriate for the proper handling of wastewater that contains or could contain FOG, grease, oil, or sand. It is not anticipated that such interceptors will be required for residential users, unless deemed necessary or appropriate on a case by case basis by the Superintendent. All interceptor units shall be of type and capacity approved by the Superintendent and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed or directed by the Superintendent, by the user at their expense.

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

E. Sample Manhole Requirements

    1. When required and deemed appropriate by the Superintendent, the owner of any property serviced by the Town's sewer shall install a suitable control manhole together with such necessary or appropriate meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be easily accessible and safely located, and shall be maintained by the owner so as to be safe and accessible at all times. The sample manhole shall be inspected and approved by the Superintendent.

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

3.3 Grease Traps, Grease Interceptors, and Oil-Water Separators

Whenever a FOG pretreatment devise is required or appropriate, they shall be installed and maintained as set forth herein, or as may otherwise be required by the Superintendent. All FOG pretreatment devices shall be installed and maintained in a manner that is acceptable to the Superintendent, and may be inspected by the Town to ensure compliance with this Ordinance.

A. General Requirements. The user shall:
   a. install and maintain the FOG pretreatment device as directed by the Superintendent at the user's expense,
   b. operate the device in compliance with the Town's discharge limits,
   c. ensure the FOG pretreatment device has adequate retention time at actual peak flow between the influent and effluent baffles to allow for any solids to settle or accumulate and floatable grease-derived materials to rise and accumulate and prevent discharge limit violations,
   d. assume responsibility in the sizing, plumbing, and configuration of the FOG pretreatment device and be responsible for what is or is not plumbed into its FOG pretreatment device, subject to the approval of the Superintendent;
   e. locate FOG pretreatment devices in easily accessible areas for inspection by the Town and for proper maintenance by the user;
   f. modify current or future plumbing to prevent the introduction of FOG into the sewers as prohibited by this Ordinance.

B. Grease traps shall:
   a. include flow regulators,
   b. not be shared by multiple facilities,
   c. not have an accumulation of floatable FOG and/or settled solids that exceed twenty five percent (25%) of its total volume,
   d. be serviced and emptied of accumulated waste content no less than once a week.

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

D. Oil-water separators shall:
   a. not have settled oils left to accumulate in excess of twenty percent (20) of the wetted height of the oil-water separator, and no floating oil and grease in the oil-

water separator should be left to accumulate in excess of five percent (5) of the wetted height of the oil-water separator,

b. be serviced and emptied no less than every 90 days.

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

a. wastewater discharge concentration from the device shall not exceed any of the Town's discharge requirements,
b. the devise shall be serviced and emptied with sufficient frequency to maintain an acceptable waste limit as described in this Ordinance,
c. the devise shall be cleaned immediately if the solid waste and grease or oil reaches the allowable limit within this Ordinance,
d. all waste (floating FOG and settled solids) shall be removed from the devise and hauled away and disposed of in accordance with state standards,
e. the device shall be completely evacuated anytime the discharge exceeds BOD, COD, TSS, FOG, pH, or other pollutant levels established by the Town,
f. the user/owner shall not introduce, or cause, permit, or suffer the introduction of any surfactant, solvent or emulsifier into a grease interceptor. Surfactants, solvents, and emulsifiers are materials which allow the grease to pass from the grease interceptor into the collection system, and include but are not limited to enzymes, soap, diesel fuel, kerosene, turpentine, and other solvents,
g. the owner/user shall be responsible for increased maintenance and cleaning beyond the maintenance requirements of this Ordinance if needed, to maintain an acceptable FOG level,
h. the owner/user shall not allow waste/water to be returned to the apparatus once pumped,
i. the owner/user shall open the devise for the Town in order to gain access for inspections,
j. the owner/user shall properly dispose of grease/waste so it is not reintroduced back into the sanitary sewer system,
k. the owner/user shall obtain written approval of the Superintendent prior to using an automatic system for removing FOG from the devise,
l. the owner/user shall comply with such other maintenance requirements as directed by the Superintendent.

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

a. Facility's name and physical location;
b. date and time of cleaning service;
c. name of grease hauling company;
d. name and signature of grease hauling company agent performing said service;
e. established service frequency and type of service (full pump out or onsite treatment);

f. number and size of each pretreatment device serviced;
g. approximate amount of grease and solids removed from each pretreatment device;
h. total volume of waste removed from each pretreatment device;
i. destination of removed waste;
j. signature and date of user/owner personnel confirming service completion.

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

3.4 Accidental Discharge/Slug Control Plans

The Superintendent may evaluate from time to time whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. The Superintendent may develop such a 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 Superintendent, and the user shall be required to reimburse the Town for all costs incurred in developing the plan. An accidental discharge/slug control plan should 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 POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in Section 2.2 of this Ordinance.
D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.5 Owner, Tenant, and User Responsibility

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, or the user if different from the property owner, any, either, both, or all (the owner, tenant, and/or user) may be held responsible for compliance with the provisions of this Ordinance.

3.6 Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only with the permission of the Superintendent in his/her sole discretion, and only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate Section 2 of this ordinance or any other requirements established by Whitestown. The Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits.

B. The Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

C. Industrial waste haulers may discharge loads only at locations designated by the Superintendent. No load may be discharged without prior consent of the Superintendent. The Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

D. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit 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.

E. Any fees for the discharge of industrial waste or septic tank waste into the POTW will be charged rates as provided for in Town Ordinances, and the Superintendent may further require the reimbursement of any additional costs incurred by Whitestown in accepting such discharge.

SECTION 4 – WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Analysis

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within ten (10) business days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete and submit the requested information shall be deemed a violation of this Ordinance and subjects the user to the sanctions and penalties as provided in applicable law and Ordinances, including this Ordinance.

4.2 Wastewater Discharge Permit Requirement

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

B. The Superintendent may require other users to obtain wastewater discharge permits as appropriate to carry out the purposes of this Ordinance.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions and penalties set out in applicable law and Ordinances, including this Ordinance. 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.

4.3 Wastewater Discharge Permitting: *Existing Connections*

Any user, industrial user or Significant Industrial User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) calendar days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Superintendent.

4.4 Wastewater Discharge Permitting: *New Connections*

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 Section 4.5 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Permit Application Contents

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

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

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

4.6 Application Signatories and Certification

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

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

4.7 Wastewater Discharge Permit Decisions

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

SECTION 5 – WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

Permits 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 Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire. If the user is not notified by the Superintendent thirty (30) days prior to the expiration of the permit, the permit shall automatically be extended for three (3) months. The terms and conditions of the permit may be subject to modification and change by the Superintendent during the life of the permit, as limitations or requirements as identified in Section 2 are modified and changed, or as deemed necessary or appropriate by the Superintendent in operation of the utility. The user will be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit may include a reasonable time schedule, in the Superintendent's discretion, for compliance.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably appropriate by the Superintendent 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 wastewater discharge permit duration, which will in no case exceed five (5) years;
   2. A statement that the wastewater discharge permit is nontransferable without prior notification to and approval from the Town of Whitestown in accordance

with Section 5.5 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. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
5. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
6. A written statement documenting the basis for the issuance of the permit and limits; and
7. A copy of the Town's Sewer Use Ordinance.

B. Wastewater discharge permits may contain, but are not limited to, the following conditions:

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

10. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The Superintendent will provide notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within thirty (30) working days of notice of its issuance. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

The Superintendent will either approve or deny the petition or schedule a conference with the applicant within thirty (30) working days of the submission of the petition for review. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

5.4 Wastewater Discharge Permit Modification

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

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
C. A change in the 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 Town's POTW, Town personnel, operations, or the receiving waters;
E. Violation of any terms or conditions of the wastewater discharge permit;
F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
H. To correct typographical or other errors in the wastewater discharge permit; or
I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

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

5.5 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 Superintendent and the

Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

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

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

5.6 Wastewater Discharge Permit Revocation

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

A. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
B. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 6.5 of this Ordinance;
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 Superintendent or his designee timely access to the facility premises and records;
G. Failure to meet effluent limitations;
H. Failure to pay fines or any costs or expenses owed to the Town of Whitestown, Indiana arising out of or related to the enforcement of this Ordinance;
I. Failure to pay sewer charges;
J. Failure to meet compliance schedules;
K. Failure to provide advance notice or the transfer of business ownership of a permitted facility; or
L. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance.

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.

5.7 Wastewater Discharge Permit Reissuance

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

5.8 Regulation of Waste Received from Other Jurisdictions

Wastewater received from other municipal or local government entities or utilities and corresponding operations shall comply with this Ordinance, except as otherwise set forth by an interlocal agreement approved by the Town of Whitestown.

SECTION 6 – REPORTING REQUIREMENTS

6.1 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 Superintendent 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 Superintendent 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 and address 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.

i. The categorical pretreatment standards applicable to each regulated process.

ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, 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 Section 6.10 or this Ordinance.

iii. Sampling must be performed in accordance with procedures set out in Section 6.11 of this Ordinance.

(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 Section 5.2(B)(4), 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 section must meet the requirements set out in Section 6.2 of this Ordinance.

(8) Signature and Certification. All baseline-monitoring reports must be signed and certified in accordance with Section 4.6 of this Ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) of this Ordinance:

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 Superintendent no later than fourteen (14) days following each date in the schedule and 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 two (2) months elapse between such progress reports to the Superintendent.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, 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 requirements shall submit to the Superintendent a report containing the information described in Section 6.1(B)(4-6) of this Ordinance. 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 Section 4.6 of this Ordinance.

6.4 Periodic Compliance Reports

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

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 Superintendent, using the procedures prescribed in Section 6 of this Ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

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

A. The Superintendent may require the user to submit such information as may be deemed appropriate to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Ordinance.

B. The Superintendent may issue a wastewater discharge permit under Section 4.7 of this Ordinance or modify an existing wastewater discharge permit under Section 5.4 of this Ordinance in response to changed conditions or anticipated changed conditions.

C. No industrial user shall implement the planned changed condition(s) until and unless the Superintendent has responded to the industrial user's notice.

D. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

6.6 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 Superintendent 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 Superintendent, 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 Ordinance.

C. Each failure to notify the Town of potential problem discharges shall be deemed a separate violation of this Ordinance.

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

6.7 Reports from Unpermitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Superintendent 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 Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

6.9 Discharge of Hazardous Waste

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

6.10 Analytic Requirements

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

6.11 Sample Collection

A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite techniques. In the event flow proportional sampling is not feasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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

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

D. The Superintendent may use grab sample(s) to determine noncompliance with pretreatment standards.

6.12 Timing

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

6.13 Record Keeping

Users subject to the reporting requirements of this Ordinance 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 Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and results of such analyses. These records shall remain available for period of at least (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Superintendent.

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

SECTION 7 – COMPLIANCE ASSURANCE & MONITORING

7.1 Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter applicable portions of the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of such inspection, sampling, records examination and copying, and the performance of any additional duties under this Ordinance.

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 Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.

The Town, the State, and EPA shall have the right to set up on the user's property, or require installation of, such devices as are appropriate to conduct sampling and/or metering of the user's wastewater.

The Superintendent may require the user to install monitoring equipment of the user's wastewater as may be appropriate or necessary in the Superintendent's discretion. 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.

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 Superintendent and shall not be replaced. The costs of clearing such access shall be bore by the user.

7.2 Search Warrants

If the Superintendent 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 Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare or the community, then the Superintendent may seek issuance of a search warrant from a court of competent jurisdiction. The warrant should specify what, if anything may be searched and/or seized on the property described. Such warrant shall be served by the Superintendent in the company of a uniformed officer of the Town. In the event of an emergency or violations of significant non-compliance of this Ordinance, inspections may be made without the issuance of a warrant where permitted by applicable law.

SECTION 8 – CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, survey, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, may be available to the public, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods or 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 should not be made available for inspection by the public, but may still 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 likely will not be recognized as confidential information and will be available to the public.

SECTION 9 – PUBLICATION OF USERS OF SIGNIFICANT NONCOMPLIANCE

The Town of Whitestown may 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 means:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-(6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other discharge violation that the Superintendent believes 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 pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within sixty (60) 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) that the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 – ENFORCEMENT

10.1 Enforcement in General

The Superintendent shall enforce this Ordinance. Set forth below are the enforcement options, remedies, and penalties available to the Superintendent for noncompliance or violations of this Ordinance, which also serves as the Enforcement Response Guide or Procedures for how the Town of Whitestown's Pretreatment Program investigates and responds to instances of non-compliance. Nothing herein restricts the authority of IDEM or the EPA to institute separate enforcement actions.

The remedies, enforcement options, and penalties for noncompliance or violation of this Ordinance include a range of enforcement responses available to the Town of Whitestown. In any specific case, factors may warrant different responses than those contained in these procedures for a variety of reasons, such as the degree of variance from applicable standards, duration of violation, previous enforcement actions, and the deterrent effect of the response. Each response or enforcement remedy is in the discretion of the Town of Whitestown, and the Town reserves the right to interpret enforcement on a case by case basis. Judgment criteria used by the Town may include, but are not required and are not limited to:

A. The nature and severity of the violation and overall degree of noncompliance;
B. A uniform application of enforcement responses to comparable levels in types of violations;
C. Demonstrating the importance of the Pretreatment Program along with proper operation of equipment and the meeting of standards and limits;
D. Any other factors deemed relevant by the Town.

10.2 Enforcement Remedies

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

A. Verbal or Written Warnings. The Superintendent may provide warnings in writing, by telephone, and/or during site visits to the respective property.

B. Notice of Violation and/or Compliance Order. When the Superintendent determines that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation and/or Compliance Order (NOV). The NOV

may require, among other things, an explanation from the user of the violation and plan for the satisfactory correction and prevention thereof, including specific required actions, to be submitted by the user to the Superintendent under a timeline determined by the Superintendent. The NOV may also require the user to perform corrective actions under the terms and within the timeline determined by the Superintendent.

C. Show Cause Hearing. The Superintendent may order a user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why any proposed enforcement action should not be taken. Notice may 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 Town Council may itself conduct the hearing and take the evidence, including compelling the attendance and testimony of the witnesses and the production of evidence relevant to any matter involved in any such hearing, and making orders consistent with this Ordinance.

D. Cease and Desist Orders. When the Superintendent determines that a user has violated, or continues to violates, any provision of this Ordinance, 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 Superintendent may issue a Cease and Desist Order to the user directing it to cease and desist all such violations and directing the user to: (i) immediately comply with all requirements; and/or (ii) 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.

E. Administrative Fines. In addition to the rates, charges, and fees established by applicable law including Town Ordinances, a user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be, to the greatest extent possible under applicable law, including Town Ordinances, liable to the Town for an administrative fine and/or civil penalty of not more than $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.

F. Costs, Expenses, and Damages. In addition to the rates, charges, and fees established by applicable law including Town Ordinances, a user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be, to the greatest extent possible under applicable law, including Town Ordinances, liable to the Town for all costs and expenses

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

G. Termination of Sewer and/or Water Service. When a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may terminate sewer service to the property, including through discontinuing water service, disconnecting the sewer connection, or other available means. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under why the proposed action should not be taken. The user is responsible for all costs and expenses of the Town for the termination and/or reconnection of service.

The Superintendent may immediately suspend a user's discharge whenever suspension is appropriate to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge that imminently threatens to interfere with the operation of the POTW, or which presents, or may present, an imminent endangerment to the environment.

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 Superintendent may take such steps as deemed appropriate, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Nothing in this Ordinance shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Litigation. When the Superintendent determines that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition a court of competent jurisdiction through the Town 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 Ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. To the greatest extent permitted by law, the Town shall be entitled to collect any court costs and attorneys' fees incurred in any enforcement litigation.

10.3 Supplemental Enforcement Actions

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

A. Criminal Penalties. Nothing in this Ordinance shall limit or otherwise alter possible criminal penalties as provided under applicable law. The Town reserves the right to report any criminal behavior to the proper authorities, and/or to seek civil penalties for such criminal behavior. The Town of Whitestown also reserves the right to refer suspected violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution. All reports and other documents required to be submitted or maintained pursuant to this Ordinance are subject to : (1) the provisions of 18 USC 1001 relating to fraud and false statements; (2) provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and (3) the provisions of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officers.

B. Public Nuisance. A violation of any provision of this Ordinance, 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 Superintendent, and is subject to rights and remedies for public nuisances.

C. Performance Bonds. The Superintendent may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any orders, or a previous wastewater discharge permit issued hereunder, unless such user first files a satisfactory bond, payable to the Town, in the sum not to exceed a value determined by the Superintendent to be appropriate to achieve consistent compliance.

D. Liability Insurance. The Superintendent may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this Ordinance, any order, or a previous wastewater discharge permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

10.4 Remedies Nonexclusive

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

10.5 Mitigating Circumstances

In determining the enforcement remedies or actions to impose under this Ordinance, the Superintendent may take into account mitigating circumstances such as those set forth below. If a user desires the Superintendent to account for mitigating circumstances, the user should immediately notify the Superintendent of the violation and mitigating circumstances, including identifying the causes of the violation, demonstrate that the facility was being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures, identify/demonstrate steps being taken that will reduce, eliminate, and prevent recurrence of the noncompliance, and take any other action requested by the Superintendent.

A. Exceptional Upset Circumstances. 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 may be a mitigating circumstance. It 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. Unknown Discharge Standards. A mitigating circumstance may include that the user demonstrates that that it did not know, have reason to know, and should not have reasonably known that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either: (i) 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 (ii) no local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Town was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. Emergencies. A mitigating circumstance may include emergency situations in which the violation was unavoidable to prevent loss of life, personal injury, or severe property damages and there was no alternative to avoid the violation. If the emergency is reasonably foreseeable, the user must notify the Superintendent prior to the occurrence of the violation and take any action requested by the Superintendent with respect to the sewer discharge relating to the emergency.

SECTION 11 – PRETREATMENT PROGRAM IMPLEMENTATION

11.1 Pretreatment Charges and Fees

The user shall be responsible for all applicable fees and charges, and shall be responsible for paying all of Whitestown's costs, incurred in monitoring and ensuring compliance of the user under the Town's Pretreatment Program, which may include but are not be limited to:

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

B. Fees for reviewing and responding to accidental discharge procedures and construction;
C. Fees for filing appeals;
D. Other fees as the Town may deem appropriate to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, fines and penalties chargeable by the Town; and
E. Permit fees.

11.2 Industrial User Inventory

The Town may, from time to time, conduct mandatory surveys and site visits of all current industrial users to identify volume and pollutant characteristics.

New industries subject to pretreatment requirements are issued an Industrial Discharge Permit and added to the master list of regulated industries, and categorized either categorical or non-categorical, by volume or nature of discharge. This list is maintained and reviewed and is part of the quarterly compliance report submitted to the Approval Authority (IDEM) along with compliance activities.

11.3 Compliance Monitoring Procedures

Compliance monitoring activities conducted by POTW personnel may be used to identify and document violations. Industrial compliance with applicable regulations may be determined and evaluated through, among other avenues:

a. Self-monitoring data from industrial uses;
b. Inspections conducted by POTW personnel;
c. Surveillance sampling and analysis conducted by POTW personnel;
d. Evaluation by POTW personnel of application information.

Self-monitoring data is required by most permitted industrial users. All reports should be on forms and with a frequency prescribed by the Superintendent to ensure all necessary information is submitted. Each report must also be signed by an authorized representative of the user.

Failure to disclose vital information on the Industrial Discharge Permit Application is a violation of (40 CFR 403) regulations. The application form shall contain a statement attesting to the accuracy and completeness of the information submitted which must also be signed by an authorized representative of the industrial user.

Industrial users may be required to submit various reports and information as a result of a number of compliance activities. These may include:

- Monthly reports
- Industrial discharge permit applications
- Compliance schedule progress reports
- Accidental discharge reports following spills
- Written response to notices of violations
- Baseline monitoring reports

- Special correspondence

All reports shall be submitted by the required dates.

11.4 Scheduling Industrial Inspections

Each facility permitted as a Significant User by the Whitestown Pretreatment Program should be inspected at least three times per year. However, many facilities may receive numerous inspections/visits during a given year to track compliance schedule activities, verify changes in discharge or processes, maintain a regulatory presence, or follow up accidental discharges.

Scheduling may be done on a random basis and tracked and logged on an inspection tracking file. Depending upon the situation, advance notice by telephone may be given but shall not be required.

Other inspections may be conducted according to needs, or for verification of compliance.

All insignificant users should be inspected yearly unless they are removed from further survey. To be removed from further inspections, a facility must be inspected and deemed as non-impact and strictly domestic discharger. This data shall be updated annually and provided to the Control Authority (IDEM). A facility that is removed from further survey in the Pretreatment Program may be re-included in the program at the discretion of the Superintendent.

SECTION 12 – GENERAL PROVISIONS

12.1 Superseding of Conflicting Provisions and Ordinances

This Ordinance is supplemental to other rules, regulations, and charges and fees of Whitestown. The provisions of any ordinances previously or now in existence and regulations which may be in conflict with this Ordinance are hereby superseded to the extent in conflict with this Ordinance.

12.2 Severability

If any section, subsection, paragraph, sentence, clause, phrase 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, phrase 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.

12.3 Effective Date

The provisions of this ordinance shall be in full force and effect on its passage and publication as required by law.

PASSED AND ADOPTED by the Town Council of the Town of Whitestown, Indiana on this 12th day of May, 2015.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Julie Whitman, Vice President	Y
Dawn Semmler, Member	YAY
Susan Austin, Member	Yay
Kevin Russell, Member	YAY

ATTEST:

Amanda Andrews, Clerk-Treasurer
Town of Whitestown, Indiana

2021617