

ORDINANCE NUMBER 06-2017

**AN ORDINANCE OF THE TOWN COUNCIL
OF THE TOWN OF PLAINFIELD**

**GENERAL SEWER USE
AND WASTEWATER PRETREATMENT**

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ORDINANCE NO. _____

SECTION 1 - GENERAL PROVISIONS

1.1. Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the Town of Plainfield ("Plainfield" or "Town") and enables the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §§ 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations ("CFR") Part 403). The objectives of this ordinance are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

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

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

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

F. To enable the Town to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all direct and indirect Users of the Publicly Owned Treatment Works, including persons or entities outside the Town who are, by contract or agreement with the Town, Users of the Publicly Owned Treatment Works. The ordinance authorizes the establishment of a pretreatment program; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein and fines and other remedies for violation of the ordinance.

Unless otherwise defined herein, terms shall have the meanings adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, American Waterworks Association, and the Water Pollution Control Federation, as set forth in 40 CFR Part 136. Waste constituents and characteristics shall be measured by standard methods unless a mutually agreed upon acceptable alternative method is adopted by agreement of the permittee and the permitting authority or any

other method is established by Federal or State regulatory agencies. Monitoring and metering shall be carried out by customarily accepted methods.

1.2. Administration

A. Except as otherwise provided herein, the Town Council (“Council”) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Council or the Superintendent may be delegated to other Town personnel or qualified contractors.

B. The Town will maintain sufficient resources and qualified personnel to carry out the non-delegated pretreatment program in accordance with 327 Indiana Administrative Code 5-19-3.

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

1.3. Abbreviations

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

- AAS - Alkyl Atrial Sulfonate
- ABS - Alkyl Benzene Sulfonate
- ASTM - American Society for Testing Materials
- BOD₅ - Biochemical Oxygen Demand - Five Day
- BMP - Best Management Practices
- BMR - Baseline Monitoring Report
- CFR - Code of Federal Regulations
- CA - Control Authority
- CIU - Categorical Industrial User
- COD - Chemical Oxygen Demand
- CSO - Combined Sewer Overflow
- EPA - U.S. Environmental Protection Agency - Washington D.C.
- EPA Region V - U.S. Environmental Protection Agency, Region V - Chicago, Illinois
- ERP - Enforcement Response Plan
- FOG - Fats, Oils, and Grease
- gpd - gallons per day
- IAC - Indiana Administrative Code
- IC - Indiana Code
- I/I - Inflow and Infiltration (Clear Water Flow)
- IDEM - Indiana Department of Environmental Management
- IOSHA - Indiana Occupational Safety & Health Act
- IU - Industrial User

- IWP - Industrial Wastewater Pretreatment Permit
- MGD - Million Gallons per Day
- mg/l - milligrams per liter
- MSDS - Material Safety Data Sheet
- NPDES - National Pollutant Discharge Elimination System
- NSCIU - Non-Significant Categorical User
- O & M - Operations and Maintenance
- POTW - Publicly Owned Treatment Works
- PUWWS - IDEM's Pretreatment and Urban Wet Weather Section
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- SIU - Significant Industrial User
- SNC - Significant Noncompliance
- TSS - Total Suspended Solids
- U.S.C. - United States Code

1.4. Definitions

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

A. Act or the Act. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§ 1251 *et seq.*

B. Applicable Pretreatment Standard. Any pretreatment limit or prohibitive standard (Federal, State, or local) contained in the ordinance and considered to be the most restrictive with which non-domestic Users will be required to comply.

C. Approval Authority. The Regional Administrator of EPA Region V. IDEM will automatically be designated as the Approval Authority if its pretreatment program is approved by the EPA and EPA delegates its pretreatment program authority to IDEM.

D. Authorized Representative of the User.

(1) If the User is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct or other

comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit or requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the User is a Federal, State, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Superintendent.

E. Beneficial Uses. Include, but are not limited to, domestic, municipal, agricultural, industrial, power generation, recreation, aesthetic enjoyment, navigation, 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.

F. Best Management Practices or BMP. Means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in Section 3.1A and B and 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

G. Biochemical Oxygen Demand or BOD5. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (*e.g.*, mg/l).

H. Building Drain - Sanitary. That part of the lowest horizontal piping of a drainage system that receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.

I. Building Drain – Storm. A building sewer that conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

J. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with

Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

K. Chemical Oxygen Demand or COD. The quantity of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant.

L. Clear Water Flow. Ground water or precipitation related water which enters the sanitary sewer collection system through pipe defects (infiltration) or conduits (inflow).

M. Color. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

N. Control Authority. The Commissioner of the Indiana Department of Environmental Management.

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

P. Council. The Town Council of the Town of Plainfield, Indiana, or any duly authorized official acting on its behalf; the governing body of the POTW. The terms Town Council and Council are used interchangeably in this document.

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

R. Debt Service Charge. A charge levied on Users of the POTW to fund debt service on outstanding revenue bonds and current capital costs.

S. Easement. An acquired legal right for the specific use of land owned by others.

T. Effluent. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.

U. Enforcement Response Plan (ERP). A document that provides protocol for responding to industrial pretreatment violations consistently and systematically and notifies industries of how the Town will respond to pretreatment violations. The ERP is a guidance document and is part of the pretreatment program procedures.

V. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Region V Water Management Division Director, or other duly authorized official of said agency.

W. 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.

X. Fats, Oils, and Grease or FOG, (also referred to as Total Oil and Grease). A group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures.

Y. Flow Proportional Composite Sample. A 24-hour composite sample that consists of at least three (3) grab samples collected over equal time intervals during the period of process discharge. The grab samples for the composite shall be proportioned to flow. If a User does not utilize an automatic sampler, a flow proportioned composite sample may be obtained by:

(1) Recording the discharge flow rate at the time each individual sample is taken;

(2) Adding together the discharge flow rates recorded from each individual sampling time to formulate the "total flow value";

(3) Dividing the discharge flow rate of each individual sampling time by the "total flow value" to determine its percentage of the "total flow, value"; and

(4) Multiplying the volume of the total composite sample by each individual sample's percentage to determine the volume of that individual sample that will be included in the total composite sample.

Z. Garbage. Any solid wastes from the preparing, cooking, or dispensing of food or from the handling, storing, or selling of produce.

AA. Grab Sample. A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

BB. Hazardous Waste. Any waste defined as a hazardous waste under 40 CFR Part 261.

CC. Illicit Discharges: Wastewater or Stormwater discharges that do not meet the Town's standards for quality.

(1) Illicit discharges for wastewater will include:

(a) Non-sanitary wastewater from infiltration or inflow as defined in this ordinance;

(b) Wastewaters that are specifically prohibited as defined in Section 3.1 of this ordinance

(2) Illicit discharges for Stormwater will include:

- (a) Yard waste;
- (b) Animal wastes;
- (c) Chlorinated pool waters; and
- (d) Hazardous or other regulated wastes;
- (e) Other materials deemed incompatible with stormwater by Town review.

DD. Indiana Plumbing Rules. The latest edition of Volume III, *Plumbing Rules and Regulations of the Administrative Building Council* of the State of Indiana.

EE. Indirect Discharge. The introduction of pollutants into the POTW from any non-domestic source.

FF. Industrial Waste. Any solid, liquid, or gaseous substance or form of energy that is discharged, permitted to flow into, or enter the sewer system or ground from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource carried on by any person, and shall further mean any waste from an industrial User, but not including sanitary sewage or storm water.

GG. Industrial User. An indirect discharger.

HH. Infiltration. Water entering the sewerage system directly or via private sewers, building drains, and building sewers connected therewith, from the ground, through whatever means, including, but not limited to defective pipe joints, connections, or manhole walls.

II. Inflow. Water, other than wastewater, entering the sewerage system from sources such as cellars, yard areas, foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, and street wastewater or drainage.

JJ. Inspector. A person or persons duly authorized by the Town, through its Town Council, to perform inspections and approve the installation of building sewers and their connection to the public sewer system

KK. 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 flow rate and/or the duration of the sampling event.

LL. Interference. A discharge that, alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, use or disposal; and therefore is a cause of a violation of any requirement 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:

- (1) Section 405 of the Act;
- (2) 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 of the Solid Waste Disposal Act;
- (3) the Clean Air Act;
- (4) the Toxic Substances Control Act, and
- (5) the Marine Protection Research and Sanctuary Act.

MM. Maximum Daily Discharge Limitations. The highest allowable pollutant concentration for a sample representing the discharge for a 24 hour period.

NN. 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.

OO. New Source.

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

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing

source should be considered.

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

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

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work, including clearing, excavating, or removing existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

PP. Non-contact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

QQ. Non-polar Oil and Grease. Petroleum-based oil and grease, also known as Total Petroleum Hydrocarbons or TPH.

RR. Normal Domestic Sewage. Sewage as discharged by residential Users with a BOD concentration not in excess of 250 mg/l, a suspended solids concentration not in excess of 250 mg/l, and an ammonia nitrogen concentration not in excess of 20 mg/L.

SS. Nuisance. Any substance which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

TT. Operation and Maintenance. All expenses related directly to operating and maintaining (including replacement of) the sewage works as identified in the

Uniform System of Accounts for Wastewater Utilities or as prescribed by the Indiana State Board of Accounts under the general headings, *Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance, and Taxes.*

UU. 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 (IN0062456), including an increase in the magnitude or duration of a violation.

VV. Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

WW. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

XX. Pollutant.

(1) Compatible Pollutants. Wastewater having or containing measurable BOD, suspended solids, pH, fecal coliform bacteria, or additional pollutants identified or defined in the Town's NPDES Permit or by the State.

(2) Incompatible Pollutants. Any pollutants which are not compatible pollutants.

YY. Pollution. An alteration of the quality of water by waste, contaminants, or pollutants to a degree that renders the water unfit for Beneficial Uses.

ZZ. 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 dilution is allowed by an applicable Pretreatment Standard.

AAA. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

BBB. Pretreatment Standards. Pretreatment Standards shall mean state pretreatment standards as established in 327 IAC 5-18-8; pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2; national categorical Pretreatment Standards incorporated by reference in 327 IAC 5-18-10, and local limits.

CCC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.1 of this ordinance.

DDD. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. §1292), which is owned by the Town. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

EEE. Receiving Sewer System. The Plainfield municipal sewer system.

FFF. Replacement. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the POTW to maintain the capabilities and performance for which the POTW was designed and constructed.

GGG. Sanitary Sewage. Sewage such as, and having the characteristics of, domestic sewage from dwellings, including apartment houses and hotels, office buildings, factories, or institutions, free from storm and surface water and industrial wastes.

HHH. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

III. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

JJJ. Sewage Charges. The total of the User charge and the debt service charge.

KKK. Sewer. A pipe or conduit laid for carrying sewage or other liquids and solids suspended or entrained therein. Types of sewers:

(1) Combined Sewer. A sewer that carries both sanitary and storm water flow by design.

(2) House Lateral Sewer. A lateral sewer installed in a residential property.

(3) Lateral Sewer. A sewer from the building drain to the sewerage system.

(4) Public Sewer. A sewer owned by the Town.

(5) Sanitary Sewer. A sewer that carries only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions.

(6) Storm Sewer. A sewer that carries only storm water flow.

LLL. Sewerage System, (Also Referred to As Collection System). The network of publicly-owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to the wastewater treatment plant and the wastewater treatment plant itself.

MMM. Shredded Garbage. Garbage that is shredded to a degree so that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than one-half (1/2) inch in dimension.

NNN. Significant Industrial User (SIU). Except as provided in paragraph 3 of this Section, a Significant Industrial User is:

(1) A User subject to Categorical Pretreatment Standards; or

(2) A User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Control Authority 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), above, 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 procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

OOO. Significant Noncompliance (SNC). For compliance provisions of this ordinance, Significant Noncompliance (SNC) is defined as follows:

(1) Violations of Wastewater Discharge Limits:

(a) Chronic Violations. Sixty-six percent (66%) or more of the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Maximum Allowable Discharge Limits;

(b) Technical Review Criteria (TRC). 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 numeric Pretreatment Standard or Requirement including Instantaneous Maximum Allowable Discharge Limits, 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 violation(s) of a Pretreatment Standard or Requirement as defined by Section 2, 3 or 4, (Daily Discharge, long-term average, Instantaneous Maximum Allowable Discharge Limit or narrative standard) that the Council, on the recommendation of the Superintendent, determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

(d) Any discharge of a pollutant which has caused imminent endangerment to the public or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

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

(3) 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;

(4) Failure to accurately report noncompliance; or

(5) Any other violation or group of violation(s) which may include a violation of Best Management Practices, which the Council, on the recommendation of the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

PPP. Sludge. Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects.

QQQ. Slug Discharge or Slug Load. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 3.1 of this ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch

discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or permit conditions.

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

SSS. Storm Sewer System: The network of storm collection infrastructure that includes: sewers, swales, ditches, streams and waterways that are used for collecting and transporting stormwater drainage. The Town of Plainfield is responsible for the maintenance of all publicly-owned ditches and swales that convey drainage. All privately owned stormwater conveyances are governed under the Town's Drainage Ordinance.

TTT. Storm Water: Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

UUU. Superintendent. The person holding the title of Superintendent of Public Works as designated by the Town Council who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative as designated by the Town Council.

VVV. Surcharge. A charge for sewerage services in addition to the basic sewage charge. This charge is assessed to Users whose sewage places a burden on the POTW greater than that covered by the basic sewage charges.

WWW. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid and which is removable by laboratory filtering.

XXX. Time Weighted Composite Sample. A 24 hour composite sample that consists of at least three grab samples collected over equal time intervals during the period of process discharge. Equal aliquots of each grab sample are combined to form the composite sample representing the 24 hour period.

YYY. Town. The Town of Plainfield, Indiana, acting by and through its duly authorized representatives.

ZZZ. Town Council or Council. The Town Council of the Town of Plainfield, Indiana, or any duly authorized official acting on its behalf; the governing body of the POTW. The terms Town Council and Council are used interchangeably in this document.

AAAA. User. A person who introduces or discharges any substance into the POTW.

BBBB. User Charge. A charge levied on Users of the POTW, or that portion of the ad valorem taxes paid by a User, for the User's proportionate share of the cost of operation and maintenance, including replacement, of the treatment works.

CCCC. User Classes. A source of indirect discharge. The following are the User Classes:

(1) Commercial User. Transit, lodging, retail, and wholesale establishments or places engaged in providing merchandise for personal, household, or industrial consumption and rendering services to others.

(2) Governmental User. A User engaged in legislative, judicial, or administrative activities of Federal, State, and local governments such as courthouses, police and fire stations, Town hall, and similar governmental uses.

(3) Industrial User. Any person who introduces or has the potential to introduce pollutants into a POTW from any manufacturing, noncommercial, or non-domestic source.

(4) Institutional User. A publicly- or privately-owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.

(5) Residential User. A User who introduces only normal domestic sewage from a single-family or multi-family dwelling into the POTW.

DDDD. Waste. Sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including waste placed within containers of whatever nature prior to and for purposes of disposal.

EEEE. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

FFFF. 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 contents, quality, quantity, and strength of wastewater.

GGGG. Wastewater Discharge Permit, (Industrial Wastewater Pretreatment Permit or IWP). A permit issued by the Control Authority to a User of the wastewater utility which establishes specific conditions and requirements.

HHHH. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

SECTION 2 - GENERAL REQUIREMENTS

2.1. General Regulations

A. It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town, or in any area under the jurisdiction of the Town, any human excrement, garbage, or other, objectionable waste.

B. It shall be unlawful to discharge to any natural outlet or to any storm sewer within the Town, or in any area under the jurisdiction of the Town, any sanitary sewage, process water, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with this ordinance. All discharges must meet all applicable Federal, State, and local laws and regulations.

C. It shall be unlawful to discharge any substance into a manhole or other opening in the sewerage system other than through an approved building or house lateral sewer, except in accordance with this ordinance or the express permission of the Superintendent.

D. Unless approved by the Superintendent, no person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, non-contact cooling water, chlorinated swimming pool water, or other unpolluted water to any sanitary sewer. Storm water and other unpolluted drainage shall be discharged to such sewers that are specifically designated as storm sewers or combined sewers or to a natural outlet as approved by the Superintendent. Storm water and other unpolluted water shall be separated from sanitary connections that discharge to a combined sewer in order to facilitate disconnection of the former in the event that a separate storm sewer becomes available. Industrial non-contact cooling water may be discharged to a storm sewer, combined sewer, or natural outlet as approved by the Superintendent. All discharges must meet all applicable Federal, State, and local regulations.

E. No person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment that is part of the Town's sewerage works.

F. Except as provided in this ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facilities within the boundary limits of the Town intended or used for the disposal of sewage or wastewater. Existing septic tank systems and fields must be repaired and maintained in accordance with applicable laws and ordinances. No privy, septic tank, cesspool, or other facility

shall release sewage effluent to the surface of the ground or to any receiving water course.

G. No persons shall knowingly make or submit to the Town a false statement, representation, record, report, plan, or other document required to be filed under this ordinance or a regulation adopted by the Council or voluntarily filed for the Town to rely upon. No person shall falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring, or timing device required or installed under this ordinance. Persons submitting false information may be fined in accordance with Section 11.6(B) of this ordinance.

H. An industrial User shall not alter industrial processes or other activities for the purpose of rendering samples or measurements that are not characteristic or representative of normal operations, flows, or concentrations of pollutants. Persons submitting false information may be fined in accordance with Section 11.6(B) of this ordinance.

I. The construction of combined sewers is expressly prohibited.

2.2. Connection Requirements; Connection Charge

A. The owner of any building that generates sewage or wastewater situated in the Town and abutting any street, alley, or right-of-way in which there is or may in the future be located a public sewer of the Town must, at the owner's own expense, install suitable toilet facilities and connect those facilities directly to the public sewer in accordance with the provisions of this ordinance, provided that the public sewer is within three hundred (300) feet of the property line. The Town shall give the property owner notice by certified mail at least ninety (90) days before the date specified for connection in the notice.

B. Where a public sanitary or combined sewer is not available under the provisions of Section 2.2(A) of this ordinance, the building sewer shall be connected to a private sewage disposal system complying with all recommendations of the Indiana State Department of Health and the Hendricks County Health Department.

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

D. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 2.2(B) of this ordinance and upon receipt of the official notice as provided in Section 2.2(A) of this ordinance, a direct connection shall be made to the public sewer in compliance with this ordinance and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and decommissioned within ninety (90) days after the date specified for connection in the notice. The closure of such facilities shall be in accordance with Town, Indiana Department of Environmental Management, Indiana Department of Health and Hendricks County Health Department regulations

E. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the local health officer.

F. The owner of every lot, parcel of real estate, or building connecting to a municipal sewer financed or paid for by the Town shall, prior to being permitted to make the connection, pay a connection charge as provided in Section 2.2(G) of this ordinance. The charges set forth in Section 2.2(G) of this ordinance are reasonable and equitable pro-rations of the cost of construction of the treatment facilities and collection system that serve the property connecting to the sewer.

G. Connection Charges:

(1) The owner of any lot, parcel of real estate, or building connecting to the Town's sanitary sewage system shall, prior to being permitted to make the connection, pay a connection charge as defined in the Town's Sewer Rate Ordinance (most current version).

2.3. Connection Permits

A. No unauthorized person shall uncover, make any connections with, cut an opening into, alter, or disturb any sewer lateral to or from any sewer which is a part of the municipal sewage system without first obtaining a written permit from the Superintendent. The permit must be on-site during all sewer construction.

B. There shall be two classes of building sewer permits; one for residential and commercial services and a second for establishments producing industrial waste. There also shall be a sewer connection or tap permit.

C. An application for a permit shall be made on a form furnished by the Superintendent for that purpose and, when applicable, shall be accompanied by a street cut bond payable to the Town for the amount equivalent to the estimated replacement value of the street, and conditioned upon the permittee replacing the street, alley, or public place in accordance with Town Construction Standards. The approval by the Superintendent of the tap permit shall void the bond.

D. Each permit application shall give the precise location of the property, the name of the owner, and the name of the person employed to do the work. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent by the Superintendent.

E. These permits shall expire within ninety (90) days of the date of their issuance. The Superintendent may issue a second 90-day permit without additional charge if application is made prior to the expiration of the first-permit and the application adequately explains why the construction of the building sewer was not made within the first 90-day period.

F. The person employed to do the work shall not commence any work until after examining the permit issued by the Town and providing notice to the

Superintendent within a minimum of two (2) days prior to commencement of construction. Once started, construction should be completed as expeditiously as possible.

G. Upon the issuance of the permit, the Town may designate the position or location of the Y-branch in the street. After the work has been completed, the permittee shall file in the Superintendent's office, on a form furnished for the purpose, a correct statement of the work completed under the permit and a sketch showing the location of the lateral sewer.

H. Prior to the issuance of a permit required by this Section, the permittee shall pay an availability fee to the Town in an amount as defined in the Town's Rate Ordinance (current version) per equivalent dwelling unit ("EDU").

2.4. General Requirements for the Construction of Sewers & Laterals

A. All costs and expenses incident to the installation and connection of a building sewer shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the Town from any loss or damage that results directly or indirectly from the installation.

B. Sanitary sewage facilities built to serve residents or future residents of the Town, or any facilities designed to convey wastewater into the Town's system, shall be designed, constructed, and tested in compliance with current Town Construction Standards.

C. All new or repaired laterals shall be subject to permitting by the Town. All sanitary sewage facilities and appropriate easements shall be dedicated to the Town upon completion and certification by the Town Engineer that all requirements have been met.

D. All sanitary sewage facilities shall be designed by a registered professional engineer. Plans and specifications shall be submitted to the Town Engineer (two (2) sets) for approval prior to construction.

E. Prior to construction of any sanitary sewage facilities, the applicant shall obtain a bond by an approved surety, or other proof of financial responsibility, as prescribed in this Section, that is in an amount determined by the Town to be sufficient to complete the sanitary sewage facilities in compliance with Town specifications. Other proof of financial responsibility may take the following forms:

(1) An agreement in which cash would be advanced to the Town by the applicant in an amount the Council determines is necessary to complete all facilities. As work is completed on a percentage basis as determined by the Town Engineer, the Town Clerk-Treasurer would release an equal percentage of the retained cash until five percent (5%) of the total is remaining. Upon final completion and acceptance of all facilities and the submittal of a maintenance bond as required, the applicant would receive the balance of the cash advance.

(2) An arrangement in which the Town would have undeniable access to funds in an escrow account, or other type of account, held by a bank or other lending institution, until all of the sanitary sewage facilities have been completed, accepted, and a maintenance bond provided as required.

F. The applicant shall provide a three (3) year maintenance bond as required by the Council covering the constructed sanitary sewage facilities.

G. A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. In these cases, the building or house lateral sewer from the front building or house may be extended to the rear building or house and the whole considered as one building or house lateral sewer. Nothing in this Subsection shall be construed to apply to lateral sewer connections between different facilities of an Industrial User located on contiguous properties.

H. Old building sewers can be used in connection with new building sewers only when they are inspected by the Superintendent and found, in writing, to meet all the requirements of this ordinance.

I. All building sewer excavations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed during an excavation shall be restored by the owner in a manner satisfactory to the Town. Appropriate construction safety measures shall be the responsibility of the owner and/or contractor.

J. Proper traffic controls shall be maintained in accordance with the *Manual on Traffic Control Devices* to guard the public against accidents during the building, maintenance, or repair of sanitary sewers. All IOSHA safety rules shall be adhered to during construction or repair of sanitary sewers.

K. No buildings shall be constructed over sewer lines.

2.5. Installation and Specification

A. The size, shape, alignment, materials, or construction of a building or house lateral sewer and the methods to be used in excavating, placing the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the latest editions of the *Town's Construction Standards*, *Indiana Plumbing Rules*, and other applicable rules and regulations of the Town. In the event that code requirements conflict, the Town's Construction standards shall take precedence.

B. No person shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, sump pumps, or other sources of surface runoff or ground water to a building or house lateral sewer or building or house drain which is in turn connected directly or indirectly to the sewerage system. All property owners who have such connections must disconnect the same prior to January 1, 2018.

All such sources of surface runoff or ground water shall be discharged in accordance with Town Standards.

2.6. Maintaining and Repairing Sewers

A. The maintenance and repair of sanitary sewers owned by the Town shall be the responsibility of the Town. The maintenance and repair of trunk lines are the responsibility of the Town only if an easement has been granted to the Town and the line has been accepted by the Town as a public line.

B. All repair and maintenance of lateral sewers, including the tap into the trunk line, shall be the responsibility of the property owner. Before installation or repair of a private lateral sewer, the property owner shall first secure a permit as provided by Section 2.3 of this ordinance and post the bond required therein to insure proper replacement of Town property.

C. The Town may require a property owner to repair or replace the sewer lateral if an excessive amount of infiltration of storm or ground water enters the Town sewage system or if actual physical defects are found in the lateral. Tests used to determine defects in sewer laterals include smoke testing, camera inspection, and other methods approved by the Council. The Town has the sole authority to determine if a lateral needs to be repaired or replaced. If the Town completes repairs that are the responsibility of the property owner as set forth in this Section, the Town shall require payment from the property owner of all expenses for such repair.

D. Until defective laterals as described in 2.6.C. have been repaired to the satisfaction of the Town, the Town reserves the right to impose a surcharge to cover the cost of treating the excessive clear water that is infiltrating through the defective lateral. The surcharge would remain in place until the lateral is properly repaired or replaced.

E. All repair and maintenance of privately owned lift stations and sewers shall be the responsibility of the property owner, who shall first secure a permit as provided by Section 2.3 of this ordinance and post the bond required therein to insure proper replacement of Town property.

F. The Town has the right to inspect privately owned lift stations and sewers and may require the owner to maintain, repair, or replace privately owned lift stations and/or sewers that are determined to be in need of maintenance, repair or replacement. The Town has the sole authority to determine if a privately owned lift station and/or sewer needs to be maintained, repaired, or replaced. If the Town completes repairs that are the responsibility of the property owner as set forth in this Section, the Town shall require payment from the property owner of all expenses for such repair.

G. In all instances where a sewer is excavated under a Town street, the ground shall be hauled away and the excavation backfilled in accordance with Town Standards..

H. Whenever any repairs are made to the sewer system, the Superintendent shall inspect and approve, in writing, the installation before the backfill is put in.

I. All work in the maintenance or repair of sanitary sewers shall be performed according to the latest edition of the Town's Construction Standards.

2.7. Extensions Outside the Town

No person shall directly or indirectly make any connections with or openings into the sewerage system or appurtenances owned or operated by the Town for the purpose of serving any, areas outside the corporate boundaries of the Town without first securing specific approval from the Council describing the real estate and property to be served and authorizing the connection.

2.8. Right to Prohibit New Connections

The Town shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Council to accommodate the expected flow, BOD, or suspended solids loading from the prospective User.

2.9. Private Wells

A. Every owner or real estate occupant within the corporate limits of the Town from which there is a direct or indirect flow into the sewerage system shall report the existence of any well to the Superintendent on a form provided by the Superintendent. The information furnished shall include, at a minimum, the following:

- (1) The name(s) of the owner and occupant of the real estate.
- (2) The location of the well on the real estate.
- (3) The size of the well pipe.
- (4) The size, voltage, amperage, and horsepower, where ascertainable, of the well pump motor.
- (5) The purpose for which the well water is used by the owner, occupant, or others.

B. The Council shall determine, by any reasonable means, the flow of the well to determine the amount of sewage entering the sewerage system. Reasonable means include, but are not limited to, the use of water meters and timing devices ("metering device"). The Council shall approve the metering device utilized. The metering device shall be paid for by the property owner or occupant and shall remain the property owner's or occupant's property, but shall be under the exclusive control of the Board. No person shall tamper with the metering device.

C. In the case of wells for household use only, the Council may provide for the use of reasonable estimates regarding water volume in lieu of metering devices.

D. The Council may direct the Superintendent, Inspector, or other employee to enter private property to:

- (1) Determine the existence of private wells.
- (2) Oversee or direct the installation of metering devices.
- (3) Read the metering devices.

SECTION 3 - WASTEWATER ADMISSIBILITY AND GENERAL REQUIREMENTS

3.1. Prohibited Discharge Standards

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which 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 Federal, State, or local Pretreatment Standards or Requirements.

B. Stormwater Prohibitions: No user shall introduce or cause to be introduced into the Storm Sewer System any pollutants or wastewater that are specifically prohibited nor any of the materials that are defined as Illicit Discharges.

C. 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, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 5.0 or more than 10.0, 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, TSS levels in excess of 250 mg/l daily average may be subject to a surcharge in accordance with the Town of Plainfield Sewer Rate Ordinance

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, will cause interference with the POTW. BOD levels in excess of 250 mg/l daily average may be subject to a surcharge in accordance with the Town of Plainfield Sewer Rate Ordinance.

(5) Wastewater having a temperature greater than 150°F (65.5°C) or that will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Ammonia levels in excess of 20 mg/l daily average may be subject to a surcharge in accordance with the Town of Plainfield Sewer Rate Ordinance.

(7) Total Oil and Grease concentrations in excess of 200 mg/l daily average are prohibited and may result in the imposition of a fine per Section 11.6 of this ordinance;

(8) Phosphorus levels in excess of 10 mg/l daily average may be subject to a surcharge in accordance with the Town of Plainfield sewer rate ordinance.

(9) Concentrations of non-polar Oil and Grease, (Total Petroleum Hydrocarbons), in excess of 100 mg/l or that could cause interference or pass through are prohibited and may result in the imposition of a fine per section 11.6 of this ordinance.

(10) Pollutants that could result in the presence of toxic gases, vapors, or fumes within the POTW sewers, including in a quantity that may cause acute worker health and safety problems;

(11) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 4.4 of this ordinance;

(12) 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;

(13) 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 (No. IN000062456);

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

(15) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, sump pump discharges, and unpolluted wastewater, unless specifically authorized by the Superintendent;

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

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

(18) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a Whole Effluent Toxicity, (WET), test;

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

D. Instantaneous flows and loadings which are in excess of the POTW's functional and treatment capacities or are likely to cause overflow conditions.

E. 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.

F. Unpolluted water shall not be discharged through direct or indirect connection to the POTW. Limitations on the amount of unpolluted water that is discharged shall be part of the User's permit.

G. Only properly Shredded Garbage, as defined in Section 1.4 (III) of this ordinance, may be discharged into the POTW.

H. The surcharges set forth in this Section of the ordinance generally are considered user fees to account for additional treatment costs of discharges at these levels.

3.2. Abnormal Waste Surcharge

A. All wastewater discharged by Significant Industrial Users shall meet the admissibility standards set forth in Section 3.1 of this ordinance.

B. The costs of treatment for each pound of BOD, suspended solids, and ammonia nitrogen removed by each treatment works may be reviewed by the Town at the end of each fiscal year. If a discrepancy exists between the actual costs as found by the Town and the estimated costs, the Town shall increase or decrease the surcharge rates as reflected in the sewer rate ordinance sufficiently to cover only the projected actual costs for the ensuing year.

C. No reduction in service charges, fees, or taxes will be permitted because of the fact that certain industrial wastes discharged to the public sanitary sewerage system contain less than the surcharge based limitations.

D. Surcharge rates for wastewater characteristics not provided for in the sewer rate ordinance may be set at the reasonable discretion of the Council, taking into account all of the POTW's significant cost factors relating to treatment, handling, and disposal. The surcharge rates shall be specified in the Town of Plainfield Sewer Rate Ordinance.

E. The surcharges set forth in sewer rate ordinance are generally considered to be user fees to account for additional treatment costs of discharges at these levels.

3.3. National Categorical Pretreatment Standards

Users must comply with the Categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405-471 which are hereby incorporated.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

C. A User may obtain a variance from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

D. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR 403.15.

3.4. Local Limits

A. The Superintendent is authorized to establish local limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limitations are established to protect against Pass Through and Interference. No User shall discharge wastewater containing pollutant concentrations in excess of the following daily maximum concentrations. Wastewater concentration shall be determined by the analysis of samples collected and analyzed in accordance with 40 CFR 136. Except for the cyanide, oil and grease, phenols, and total toxic organics, (TTO), 24 hour composite samples proportioned by either time or flow shall be analyzed to determine pollutant concentrations. Grab samples will be used for the analysis of cyanide, oil and grease, phenols, and TTO's. Results shall not exceed the following noted limitations:

32.51 mg/l Arsenic
0.2947 mg/l Cadmium
78.14 mg/l Total Chromium
1.692 mg/l Hexavalent Chromium
0.915 mg/l Molybdenum
5.074 mg/l Copper
0.9 mg/l Cyanide (total)

200 mg/l Total Oil and Grease (FOG, polar and non-polar)
100 mg/l Non-polar oil and grease (mineral or petroleum origin)
1.369 mg/l Lead (total)
0.0015 mg/l Mercury
25.20 mg/l Nickel
5.928 mg/l Selenium
TBD mg/l Phenolic compounds that cannot be removed by the POTW
25.0 mg/l Phosphorus
2.01 mg/l Silver
2.14 mg/l TTO (Total Toxic Organics)
19.48 mg/l Zinc (total)

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" recoverable metal unless indicated otherwise. The Superintendent may impose mass limitations that are equivalent to the concentration-based limitations above.

Upon the promulgation of the National Categorical Pretreatment Standard (NCPS) for a particular User, that standard, if more stringent than the limitations imposed under this Section for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this ordinance. The Superintendent shall notify all known affected Users of the applicable permitting and reporting requirements under 40 CFR 403.12.

3.5. Town's Right of Revision and Modifications

A. The Town reserves the right to establish, by ordinance, different or more stringent standards or requirements on discharges to the POTW that are reasonably necessary to enable the Town to comply with its NPDES Permit and Federal and State laws to which the POTW is subject.

B. Any significant modifications the Town intends to make will be submitted to PUWWS for approval prior to being enacted. Significant modifications include the following:

- (1) A major modification in the Town's administrative procedures.
- (2) A significant reduction in the monitoring procedures.
- (3) A significant change in the financial or revenue limitations contained in this ordinance.
- (4) A change in the industrial survey.
- (5) A change in Federal or State regulations or requirements.
- (6) An increase in pollutant limits.

3.6. 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 that are equivalent to the concentration-based 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 4 - PRETREATMENT OF WASTEWATER

4.1. Pretreatment Facilities

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 3.1 of this ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent 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.

4.2. Additional Pretreatment Measures

Additional pretreatment measures shall be installed and maintained at the User's expense to the satisfaction of the Town. If the Superintendent determines it is necessary to protect the POTW and/or ensure compliance with the Town's NPDES Permit:

A. The Superintendent may require Users to retreat 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 streams, and such other conditions as may be necessary 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 the User's property and at the User's expense, a suitable storage and flow-control facility to insure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

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

D. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand except that such interceptors

shall not be required for residential users. All interception units shall be of the type and capacity approved by the Superintendent and shall be located to be easily accessible for cleaning and inspection. The interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User, at the User's expense.

E. Users who operate vehicular wash facilities shall provide, operate, and maintain pretreatment facilities and/or operational procedures required and approved by the Superintendent to control solids and preclude the discharge of toxics to the POTW.

F. Users who operate food preparation facilities shall provide, operate, and maintain pretreatment facilities and/or operational procedures required and approved by the Superintendent to control the discharge of FOG and food solids to the POTW. This shall include the proper installation and maintenance of grease traps. The Superintendent reserves the right to determine appropriate maintenance intervals and to require associated documentation.

4.3. Accidental Discharge/Slug Control Plans

The Superintendent may evaluate 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. Alternatively, the Superintendent may develop such a plan for any User and require the User to comply with the plan. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

4.4. Hauled Wastewater

A. Wastewater haulers are prohibited except under the express and specific written permission of the Superintendent.

B. Industrial or septic waste haulers who receive the express and specific written permission of the Superintendent to introduce industrial or septic waste into the POTW must comply with the following conditions:

(1) Industrial or septic waste haulers may discharge loads only at times and locations designated by the Superintendent. No load may be discharged without prior written consent of the Superintendent. The Superintendent may collect samples of each hauled load to insure compliance with applicable standards. The Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

(2) Industrial or septic 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.

SECTION 5 - WASTEWATER DISCHARGE PERMIT APPLICATION

5.1. Wastewater Analysis

At the request of the Superintendent, all non-residential users must submit information on the nature and characteristics of its wastewater no later than forty-five (45) days before operations are to commence so that the Superintendent or Council can determine if the User is a Significant Industrial User (“SIU”). This due date may be extended by the Superintendent, in writing, upon written request by the User. The extension request must be submitted to the Superintendent at least three (3) days prior to the due date. The User's written request must include, at a minimum, reason(s) the request should be granted and a proposed due date. The Superintendent is authorized to prepare a form for this purpose and may periodically require Users to update this information.

5.2. Wastewater Discharge Permit Requirement

A. No SIU shall discharge wastewater into the POTW without first obtaining an Industrial Wastewater Pretreatment (IWP) permit from the Control Authority (CA).

B. The Superintendent may require other Users to obtain an IWP permit as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an IWP permit shall be deemed a violation of this ordinance and would subject the permittee to the sanctions set out in Sections 11 through 13 of this ordinance.

D. Obtaining an IWP 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.

5.3. Wastewater Discharge Permitting: Existing Connections

Any User required to obtain an IWP permit that was discharging wastewater into the POTW prior to the effective date of this ordinance, as set forth in Section 18, and who wishes to

continue such discharges in the future, shall, within thirty (30) days after said date, apply to the control authority for an IWP permit in accordance with Section 5.5 of this ordinance, and shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this ordinance, as set forth in Section 18, unless a permit application has been filed. This due date may be extended by the Superintendent, in writing, upon written request by the User submitted to the Superintendent at least three (3) days prior, to the due date. The User's written request must include, at a minimum, reason(s) the request should be granted and a proposed due date.

5.4. Wastewater Discharge Permitting: New Connections

Any User required to obtain an IWP 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 IWP permit, in accordance with Section 5.5 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

5.5. Wastewater Discharge Permit Application Contents

All Users required to obtain an IWP Permit must submit a permit application to the Control Authority.

5.6. Fees, Rates, and Charges

All Users are subject to all applicable fees, rates, and charges set forth in Section 15 of this ordinance and in accordance the Town Sewer Rate Ordinance.

SECTION 6 - REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

6.1. Inter-Local Agreement

If another municipality or sewer district contributes wastewater to the POTW, the Superintendent shall enter into an Inter-Local agreement with the contributing entity.

6.2. Information

Prior to entering into an agreement required by Section 6.1 of this ordinance, the Superintendent shall request the following information from the contributing entity:

- A. A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;
- B. An inventory of all Users located within the contributing entity that are discharging to the POTW; and
- C. Such other information as the Superintendent may deem necessary.

6.3. Inter-Local Agreement Conditions

Inter-Local Agreements, as required by Section 6.1 of this ordinance, shall contain the following conditions:

A. A requirement for the contributing entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 3.4 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Town's ordinance or local limits;

B. A requirement for the contributing entity to submit a revised User inventory on at least an annual basis;

C. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

D. A requirement for the contributing entity to provide the Superintendent with access to all information that the contributing entity obtains as part of its pretreatment activities;

E. Limits on the nature, quality, and volume of the contributing entity's wastewater at the point where it discharges to the POTW;

F. Requirements for monitoring the contributing entity's discharge;

G. A provision insuring the Superintendent access to the facilities of Users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

H. A provision specifying remedies available for breach of the terms of the inter-municipal or inter-district agreement.

SECTION 7 - REPORTING REQUIREMENTS

7.1. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation of this ordinance, a wastewater discharge permit, Federal, State, or local law, the User must notify the Superintendent within two (2) hours of, becoming aware of the violation. The User also shall 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. Re-sampling by the Industrial User is not required if the Superintendent performs sampling at the User's facility at least once a month, or if the

Superintendent performs sampling at the User between the time when the initial sample was conducted and the time when the User or the Superintendent receives the results of this sampling, or if the Superintendent has performed the sampling and analysis in lieu of the Industrial User.

7.2. Notification of the Discharge of Hazardous Waste

A. Any User who commences the discharge of hazardous waste shall notify the Superintendent, the EPA Region V Waste Management Division Director, and the IDEM, Office of Solid and Hazardous Waste, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 7.5 of this ordinance. The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 7.1, 7.3, and 7.4 of this ordinance.

B. Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the User discharges more than such quantities of any such hazardous wastes do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Superintendent, the EPA Region V Waste Management Division Director, and IDEM, Office of Solid and Hazardous Waste, in writing, of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

7.3. Analytical Requirements

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

7.4. Sample Collection

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

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Superintendent, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows; for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Superintendent, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Maximum allowable Discharge Limits.

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

7.5. Recordkeeping

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 required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period

of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Town, or where the User has been specifically notified of a longer retention period by the Superintendent.

SECTION 8 - COMPLIANCE MONITORING

8.1. Monitoring

A. The Town reserves the right to inspect, sample, and analyze food service and industrial discharges in the following manner:

(1) The sample types will be the same type as required in the IWP discharge authorization issued by the controlling legal authority or in accordance with this ordinance (Section 7.4).

(2) The samples will be collected at the sample location specified in the IWP or discharge authorization issued by the controlling legal authority.

(3) A sampling and inspection program shall be implemented for, at a minimum, all IWP facilities, facilities authorized to discharge and any food establishments with regulated grease traps. All of these facilities will be inspected by the Town or Towns authorized representative at a frequency that is specified in the discharge permit/authorization. Grease traps shall be inspected annually by the regulated entity. Proof of inspection shall be submitted to the Town by the regulated entity.

(4) All regulated facilities will be required to collect and test samples and submit monitoring reports as required by the discharge permit or discharge authorization.

(5) The self-monitoring analytical results of the samples will be submitted to the Town and IDEM by the 28th day of the month following the month in which the samples were taken.

(6) The Town will keep a record of each industrial inspection it performs. A copy of each IWP inspection report will be sent to the PUWWS with the annual report.

B. The Town will immediately sample and analyze the POTW influent and effluent for suspected pollutant(s) when the POTW operation is upset. The Town will immediately contact PUWWS and IDEM's Compliance Evaluation Section by telephone at the time of the occurrence. The results of each analysis conducted as a result of an upset will be submitted to PUWWS.

8.2. Industrial Survey

A. The Superintendent will maintain an industrial survey that contains information about each industrial User that discharges into the POTW. An industrial survey will be conducted at a minimum frequency of once every two (2) years.

B. Information concerning any industrial User commencing or ceasing discharge shall be updated on the industrial survey immediately. The Superintendent will notify the PUWWS of any new industrial User commencing discharge into the POTW within 30 days of becoming aware of the new User.

8.3. Right of Entry: Inspection and Sampling

The Superintendent shall have the right to enter 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 inspection, sampling, records examination and copying, and the performance of any additional duties.

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

B. The Superintendent or his or her agent shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

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

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be borne by the User.

E. The User shall install and maintain suitable access means, together with any necessary appurtenances, to facilitate observation, sampling, and measurement of wastewater. The access means shall be constructed and maintained to the Town's satisfaction at the User's expense.

F. Unreasonable delays in allowing the Superintendent or his or her agent access to the User's premises shall be a violation of this ordinance.

8.4. 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 of the community, then the Superintendent may seek issuance of a search warrant from the Hendricks County Circuit Court in Danville, Indiana.

SECTION 9 - CONFIDENTIAL INFORMATION

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

SECTION 10 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Superintendent may publish annually, in the largest daily newspaper published in the Town of Plainfield, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. This list shall include the name of the User and the basis for the SNC determination. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 3;

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 numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 3 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 violation of a Pretreatment Standard or Requirement as defined by Section 3 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

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

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

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 11 - ADMINISTRATIVE ENFORCEMENT REMEDIES

11.1. Notification of Violation

When the Superintendent finds 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. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Superintendent or the Council to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

11.2. Agreed Orders

The Council may enter into agreed orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 11.4 and 11.5 of this ordinance and shall be judicially enforceable.

11.3. 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 Council and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or a prerequisite for, the Superintendent or the Council taking any other action against the User.

11.4. Compliance Orders

When the Superintendent finds 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 issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, the Superintendent or the Council taking any other action against the User.

11.5. Cease and Desist Orders

When the Superintendent finds 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, or that the User's past violations are likely to recur, the Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, the Superintendent or the Council taking any other action against the User.

11.6. Administrative Fines

A. When the Superintendent or the Council finds 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 or the Council may impose a fine of at least \$1000 per day, per violation, in accordance with 40 CFR 403.8(f)(1)(vi)(A), but no more than \$2500 per day, per violation for a first violation nor more than \$7500 per day, per violation for subsequent violations, in accordance with IC36-1-3-8(a)(10)(B). Fines and regulations relating to illicit discharges to the storm sewer system are outlined in the Town Drainage Ordinance.

B. When the Superintendent or the Council finds that a User has falsified any information provided to the Superintendent, the Town, IDEM, or the EPA, the Superintendent or the Council may fine such User in an amount not to exceed two thousand five hundred dollars (\$2,500) as provided by IC 36-1-3-8. Such fines shall be assessed on a per violation, per day basis.

C. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent (1.8%) per month. A lien against the User's property will be sought for unpaid charges, fines, and penalties.

D. Users desiring to dispute such fines must file a written request with the Superintendent or the Council, whichever assessed the fine, requesting the reconsideration of the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Council may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Superintendent or the Council may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, the Superintendent, the Board, or the Council taking any other action against the User.

11.7. Emergency Suspensions

The Superintendent may immediately suspend a User's discharge, after formal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or

welfare of persons. The Superintendent also may immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as are deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 11.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 11.3 or 11.8 of this ordinance.

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

11.8. Termination of Discharge

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

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 3 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 11.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, the Superintendent or the Council taking any other action against the User.

SECTION 12 - JUDICIAL ENFORCEMENT REMEDIES

12.1. Injunctive Relief

When the Superintendent finds 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 the Hendricks County Circuit Court, through the Town's Attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on the activities of the User. The Superintendent also may seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

12.2. Civil Penalties

A. 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 liable to the Town for a civil penalty of at least \$1000 per day, per violation in accordance with 40 CFR 403.8(f) (1) (vi) (A), but no more than two thousand five hundred dollars (\$2,500) per violation, per day for a first violation. Subsequent violations can be fined at up to \$7500 per day per violation in accordance with IC 36-1-3-8(a) (10) (B). In the case of a monthly or other long term average discharge limit violation, penalties shall accrue for each day during the period of the violation.

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

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions taken by the User, the compliance history of the User, and any other factor as justice requires.

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

12.3. Reserved

12.4. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Superintendent may take other action against any User when the

circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

SECTION 13 - SUPPLEMENTAL ENFORCEMENT ACTION

13.1. Performance Bonds

The Superintendent may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the Town, in a sum not to exceed a value determined by the Council to be necessary to achieve consistent compliance.

13.2. Liability Insurance

The Superintendent may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this ordinance, a previous wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, 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.

13.3. Water Supply Severance

Whenever 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, water service to the User may be severed. Service will only recommence, at the User's expense, after it has satisfactorily demonstrated its ability to comply with the foregoing.

13.4. Public Nuisances

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. Any person(s) creating a public nuisance shall be subject to the provisions of this ordinance governing such nuisances, including reimbursing the Town for any costs incurred in removing, abating, or remedying said nuisance.

13.5. Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the Town. Existing contracts for the sale of goods or services to the Town held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Council.

SECTION 14 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

14.1. Upset

A. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of paragraph C, below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the User can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;

(3) The User provided the Superintendent with a verbal notification of the upset within two (2) hours of becoming aware of the upset; and

(4) The User submitted the following information to the Superintendent within twenty-four (24) hours of becoming aware of the upset:

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon reduction, loss, or failure of their treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

14.2. Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 3.1(A) of this ordinance or the specific prohibitions in Sections 3.1(C)(1) through (19) of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Town was regularly in compliance with its NPDES Permits and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

14.3. Bypass

A. For the purposes of this Section:

(1) "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs C and D of this Section.

C. (1) If a User knows in advance of the need for a bypass, it shall submit prior written notice to the Superintendent at least ten (10) days before the date of the bypass, if possible.

(2) A User shall submit oral notice to the Superintendent of an unanticipated bypass that exceeds applicable Pretreatment Standards within two (2) hours from the time it becomes aware of the bypass. A written submission

also shall be provided to the Superintendent within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Superintendent may waive the written report on a case-by-case basis if the oral report has been received within two (2) hours.

D. (1) Bypass is prohibited, and the Superintendent may take an enforcement action against a User for a bypass, unless:

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The User submitted notices as required under paragraph C of this Section.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three (3) conditions listed in paragraph D(1) of this Section.

SECTION 15 - FEES, RATES, AND SEWER CHARGES

15.1. Permit Fees

A. Permit fees as defined in the Town's Rate Ordinance are to be paid at the time the application is filed.

B. Applicability of fees and sewer charges:

(1) Sewer charges shall be collected from the person who owns each and every parcel of real estate that is connected directly or indirectly to the Town's sewerage system or otherwise discharges wastewater directly or indirectly into the Town's sewerage system.

(2) The sewer charges established by this ordinance shall become effective at the time the User first discharges to the Town's sewerage system.

15.2. Water Usage; Meter Reading Schedule

A. The sewer flow charges shall be based on the quantity of water as measured by the water meter used on or in the premises subject to the sewer charges unless otherwise provided in this ordinance. The Town reserves the option to bill based on a flat rate as determined by the Council.

B. Water shall be read monthly unless otherwise provided by the Town.

15.3. Water Obtained From Other Sources

A. If a User obtains water partially or wholly from sources other than the Town waterworks, the total water used must be measured as provided in Section 2.9 of this ordinance or as directed by the Council.

B. Single-family homes having any source of water other than the Town waterworks shall be charged in accordance with the Town Sewer Rate Ordinance.

15.4. Single Meter for Multiple Properties

A. Multiple Lots or Buildings. If two (2) or more residential lots, parcels of real estate, or buildings discharging wastewater into the Town's sewerage system, directly or indirectly, are Town water consumers and the quantity of water is measured by a single water meter, the owner of the meter will be billed for the quantity of water used. The minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

B. Multiple Dwelling Units.

(1) If two (2) or more dwelling units (*i.e.*, trailers, apartments, or housekeeping rooms) discharging sanitary sewage, water, or other liquids directly or indirectly into the Town's sanitary sewage system use water measured by a single water meter, the owner of the meter will be billed for the quantity of water used. The minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

(2) For mobile home communities, the number of dwelling units shall be computed and interpreted as the total number of dwelling units located and installed in the community that are served through the meter.

(3) A dwelling unit is a room or rooms or space in which cooking, facilities are provided.

15.5. Multiple Meters for Single Industrial User

If two (2) or more meters serve buildings or operations of an Industrial User that discharges wastewater into the POTW at a single point, the industrial User shall be billed for a single service in accordance with Section 15 of this ordinance.

15.6. Portion of Water Not Entering Sewerage System

If a User utilizing more than twenty thousand (20,000) gallons of water per day can substantiate that a portion of the water does not and cannot enter the Town's sewerage system, the Council may consider flow data submitted to determine the portion of the measured water to be used in determining the appropriate sewer charges or approve a technique of flow measurement for determining wastewater discharged to the sewerage system. Facilities and equipment utilized for flow measurement shall be installed and maintained in a manner approved by the Town at the owner's expense. The Town shall have the right to access the User's property and the flow measurement equipment to verify its accuracy and obtain any samples deemed necessary by the Town.

15.7. Billing Procedures

A. Sewer bills and invoices shall be rendered and collected approximately monthly.

B. The Council shall make and enforce any bylaws and regulations as may be deemed necessary for the regulation, collection, rebating, and refunding of the sewer charges prescribed by this Section.

C. The Council may, on proper cause being shown by the applicant that in a singular occurrence metered water did not reach the sewerage system, adjust the User's sewer charge with respect to the occurrence.

D. In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the User may, within thirty (30) days of billing, appeal to the Superintendent.

E. All sewer charges for use of the Town's sanitary sewer system shall be based on the quantity as measured by the water meter used on or in the premises so served. No adjustment shall be made to such User charges for the sprinkling of lawns, filling of swimming pools, and other such water uses where it is probable that the water so used will not enter the sanitary sewer system, except in accordance with Section 15.6.

15.8. Town Subject to Sewer Charges

Town services or departments, except the wastewater utility, shall be subject to sewer charges established in the Town's Rate Ordinance.

15.9. Sewer Charges

A. The Council is authorized to determine rates, charges, and fees for septic tank, industrial wastes, and other disposable wastewater and wastes delivered to the POTW as provided in Section 4.4 of this ordinance and to collect those charges and fees.

15.10. Delinquent Accounts

A. Charges for sewage services levied pursuant to this Section shall be due and payable on or before the due date shown on the bill. Any delinquency associated with this bill will be responded to in accordance with the procedures outlined in the Town's Sewer Rate Ordinance.

15.11. Adjustments for Fire Protection

A. Adjustments for fire protection shall be in accordance with the Town's Sewer Rate Ordinance.

15.12. Equitable Adjustment; Unusual Circumstances

A. The Town shall have the right to base its charges on volume, strength, or character of the wastewater in order that rates and charges may be equitably adjusted to services rendered.

B. The Town reserves the right to determine, using flow meters or other reasonable means, the actual flow of any contributor into the Town sewage system if the discharge appears to the Superintendent to exceed the contributor's water usage.

C. The identified owner of the real estate shall provide and maintain, at its own expense, flow measuring equipment approved by the Superintendent. The flow measuring equipment shall remain the property of the owner, but shall be under the exclusive control of the Superintendent. No person shall tamper with the flow measuring equipment.

15.13. Rates Outside Town

For services rendered by the POTW to lots, parcels of real estate, or buildings located outside the Town limits, the rates and charges shall be determined in a fair and equitable manner.

SECTION 16 - REVIEW OF REGULATIONS BY TOWN

16.1. Wastewater Review

The Town may review the wastewater contribution of Users, User classes, the total cost of operation and maintenance of the POTW, and its approved User charge system every two (2)

to five (5) years, as necessary. The Town shall revise the appropriate charges for uses and User classes to:

- A. Maintain the proportionate distribution of operation and maintenance costs among Users and User classes.
- B. Generate sufficient revenue to pay the total operation and maintenance costs of the POTW.
- C. Apply excess revenues collected from a class of Users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

SECTION 17 - MISCELLANEOUS PROVISIONS

17.1. Pretreatment Charges and Fees

The Council may adopt reasonable fees for reimbursement of costs incurred by the Town in setting up and operating the Town's pretreatment program, which may include, but would not be limited to the following:

- A. Fees for wastewater discharge permit applications, including the costs of processing such applications;
- B. Fees for the issuance of permits;
- C. Fees for monitoring, inspection, and surveillance procedures, including fees for the cost of collection of and analyzing a User's discharge, the collection of and analyzing samples, reviewing monitoring reports submitted by Users, and conducting site visits;
- D. The cost of mileage and labor incurred in detecting and correcting violations and potential violations;
- E. Laboratory analysis costs associated with detecting and correcting violations;
- F. Additional treatment costs caused by the violation or associated with detecting and correcting a violation or violations;
- G. Costs of additional equipment acquired or expended by the Town for detecting or correcting a violation or violations;
- H. Repair and/or replacement of any part of the sewerage system damaged by a violation or violations;
- I. Any liability, damages, fines or penalties incurred by the Town as a result of a violation or violations;

J. Any and all expenses of outside professionals including, but not limited to, engineers, scientists, and legal counsel that are incurred due to a violation or violations;

K. Other costs associated with detection and correction of the violation or violations;

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

M. Fees for filing appeals; and

N. Other fees as the Council may reasonably deem necessary to carry out the requirements contained herein.

O. 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. Such fees may be invoiced directly from the Town or Assignee.

17.2. Operation of POTW

The Town shall make and enforce such bylaws and regulations as may be deemed necessary for the safe, economic, and efficient management of the POTW.

17.3. Supersedes

This ordinance supersedes any ordinances and laws, or sections and provisions thereof, that conflict with this ordinance. Any provision of an ordinance in contradiction to this ordinance is hereby repealed.

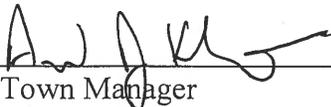
17.4. Severability.

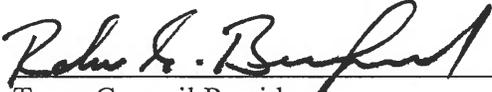
If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

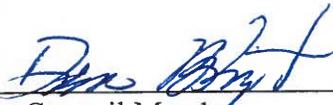
SECTION 18 - EFFECTIVE DATES

This ordinance shall become immediately effective upon its adoption by the Town of Plainfield Town Council, signature by the Clerk-Treasurer, enrollment in the book of ordinances, and publication of notice as required by law.

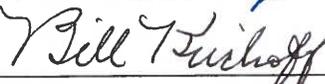
The foregoing Ordinance was passed and adopted by the Town Council of the Town of Plainfield, Indiana, at a regular meeting held on the 22nd day of MAY, 2017.


Town Manager


Town Council President



Town Council Member



Town Council Member



Town Council Member

Town Council Member

(SEAL)

ATTEST:


Clerk-Treasurer