

ORDINANCE NO. 2019-1

TURKEY CREEK REGIONAL SEWER DISTRICT

AMENDED AND RESTATED SANITARY SEWER USE ORDINANCE

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**ORDINANCE NO. 2019-\_\_**

**A Sanitary Sewer Use Ordinance, amending and replacing in its entirety that certain Ordinance No. 2016-01, to regulate the connection to and use of public and private sanitary Sewers and drains, the installation and connection of Building Sewers and the discharge of waters and wastes into the public sanitary systems of the Turkey Creek Regional Sewer District, Kosciusko and Noble Counties, Indiana, and providing for violations thereof (“Ordinance”).**

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TURKEY CREEK REGIONAL SEWER DISTRICT AS FOLLOWS:**

**SECTION 1. Purposes and Objectives**

- 1.1 This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems of the District and enables the District to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and amendments thereof and the general pretreatment regulations (40 CFR 403).**
- 1.2 The objectives of this Ordinance are:**
  - 1.2.1 To prevent the introduction of pollutants into the District’s wastewater treatment systems which will interfere with the operation of the system or contaminate the resultant Sludge; and**
  - 1.2.2 To prevent the introduction of pollutants into the District’s wastewater system which will pass through the system, inadequately treated, into receiving waters or otherwise be incompatible with the system; and**
  - 1.2.3 To improve the opportunity to recycle and reclaim wastewater and Sludge from the system; and**
  - 1.2.4 To require Owners of property to connect said properties to the District’s systems pursuant to I.C. 13-26-5-2(8); and**
  - 1.2.5 To provide for the investigation of instance of pass-through or Interference, the notification of the responsible User, and for appropriate enforcement actions.**

**SECTION 2. Applicability**

**This Ordinance shall be applicable to and enforceable against the Owners and/or Users of real property located in all service areas of the District’s operating territory and those Users located outside who by contract use the District’s public sanitary sewer system.**

### SECTION 3. Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this Ordinance and as used in the rules and regulations adopted by the Board of Trustees implementing the provisions of this Ordinance are as set out below respectively. Terms used in this Ordinance but not defined in this Section shall have the same meaning as those terms are found in the District's Sewer Rate Ordinance (Ordinance No. 2015-1), as amended from time to time, ("Rate Ordinance"), in I.C. 13-11-2 or, if not found in I.C. 13-11-2 or the Rate Ordinance, as those terms are commonly used by those engaged in the construction, operation, and management of sanitary Sewer collection, transmission and treatment systems.

- 3.1 "Act" shall mean the Federal Water Pollution Act as amended by the Clean Water Act, being 33 USC 1251 *et seq.*
- 3.2 "Administrator " shall mean the Administrator of the Turkey Creek Regional Sewer District or his or her authorized deputy, agent or representative assigned by the District to supervise the day-to-day operation and charged with certain duties and responsibilities by this Ordinance. The Administrator may be a natural Person or a corporation, limited liability company (LLC), partnership or other organization providing operation services to the District pursuant to an agreement.
- 3.3 "Ammonia" (or NH<sub>3</sub>-N) shall mean the same as Ammonia Nitrogen measured in Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in Section 3.86 of this Ordinance.
- 3.4 "Biochemical Oxygen Demand (BOD)" or "Carbonaceous Biochemical Oxygen Demand (CBOD)," in reference to Sewage, Sewage Effluent, polluted waters or Industrial Waste, shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees centigrade. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.
- 3.5 "Board of Trustees" or "Board" shall mean the governing body of the District as duly appointed in accordance with the Indiana Code.
- 3.6 "Building (Or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system that receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys said discharge to a point approximately three feet outside the foundation wall of the building.
  - 3.6.1 "Building Drain – Sanitary" shall mean a Building Drain that conveys sanitary or industrial Sewage only.
  - 3.6.2 "Building Drain – Storm" shall mean a Building Drain or yard drain that conveys storm water or other clear water drainage only.

- 3.7 **“Building (Or House) Sewer” shall mean the pipe that is connected to the Building (or House) Drain at a point approximately three feet outside the foundation wall of the building and that conveys the building’s discharge from that point to the Public Sewer or other place of disposal.**
- 3.7.1 **“Building Sewer – Sanitary” shall mean a Building Sewer that conveys sanitary or industrial Sewage only, but no storm drainage.**
- 3.7.2 **“Building Sewer – Storm” shall mean a Building Sewer that conveys stormwater or other clear water drainage but no sanitary or industrial Sewage.**
- 3.8 **“Carbonaceous Biochemical Oxygen Demand” (or CBOD) shall mean a five day measure of pollutant parameters Carbonaceous Biochemical Oxygen Demand.**
- 3.9 **“Categorical Pretreatment Standard” or “Categorical Standard” shall mean a regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 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 I, Subchapter N, Parts 405-471.**
- 3.10 **“Chemical Oxygen Demand (COD)” shall mean, in reference to Sewage, Sewage Effluent, polluted waters or Industrial Waste, a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determinations shall be made in accordance with procedures set forth in Standard Methods.**
- 3.11 **“Combined Sewer” shall mean a Sewer that receives or will receive both wastewater and storm or surface water. Combined Sewers are prohibited from connection to the District Sewage Works.**
- 3.12 **“Compatible Pollutant” shall mean a substance amenable to treatment in the Wastewater Treatment Plant such as BOD, Suspended Solids, pH, and Fecal Coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term “substantial degree” is not subject to precise definition but generally contemplates removals on the order of 80 percent or greater. Minor incidental removals on the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include Chemical Oxygen Demand; total organic carbon; phosphorus and phosphorus compounds; nitrogen and nitrogen compounds, and fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).**
- 3.13 **“Composite Sample” should mean a minimum of eight discrete samples taken at equal time intervals or volume of flow proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.**
- 3.14 **“Control Authority” shall mean the United States Environmental Protection Agency, IDEM or the District.**

- 3.15 "Daily Discharge" shall mean discharge of pollutants measured during a calendar year or any 24-hour period that reasonably represents the calendar day for purposes of sampling.
- 3.16 "Direct Discharge" shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Indiana.
- 3.17 "District" shall mean the Turkey Creek Regional Sewer District of Kosciusko County, Indiana.
- 3.18 "Domestic Sewages" shall mean wastewater from typical residential users and having pollutant characteristics of not greater than 200 mg/l BOD and 200 mg/l suspended solids.
- 3.19 "Easement" shall mean an acquired legal right for the specific use of land owned by others, including but not limited to the right of access to the property's septic tank or other sewer system component for the purposes of cleaning, inspecting, pumping, repairing and/or maintaining.
- 3.20 "Effluent" shall mean the water, together with any wastes that may be present flowing out of a drain, Sewer, receptacle or Outlet.
- 3.21 "Engineer" shall mean the duly authorized engineering representative of the Board of Trustees. The individual designated may be the District's Engineer, Superintendent of the WWTP, consulting civil or environmental engineer to the District, or a similar Person who is acknowledged as being technically qualified.
- 3.22 "Environmental Protection Agency (EPA)" shall mean the United States Environmental Protection Agency. Where appropriate, the term may also be used as a designation for the administrator or other authorized official of the agency.
- 3.23 "Existing Source" shall mean any source of discharge, the construction or operation of which commenced prior to the publication by the 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.
- 3.24 "Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of humans and animals, the presence of which in Sanitary Sewage is an indicator of Pollution.
- 3.25 "Floatable Oil" shall mean oil, fat or grease in a physical state such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.
- 3.26 "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
- 3.27 "Grab Sample" shall mean a sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen minutes.

- 3.28 "Gray Water" shall mean wastewater from baths, sinks, dishwashers, washing machines, and other cleaning vessels, appliances, or devices that does not include human bodily wastes or food wastes.
- 3.29 "Grease and oil" shall mean 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 that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of the determination in accordance with "Standard Methods".
- 3.29.1 Grease and Oil of Animal and Vegetable Origin shall mean substances of biodegradable nature such as are discharged by meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants.
- 3.29.2 Grease and Oil of Mineral Origin shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin, and are derived from a petroleum source. Such substances include machinery lubricating oils, gasoline station wastes, petroleum refinery wastes and storage depot wastes.
- 3.30 "Holding Tank Waste" shall mean any waste from holding tanks, such as campers, trailers, septic tanks, vacuum pump trucks and the like.
- 3.31 "Incompatible Pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.
- 3.32 "IDEM" shall mean the Indiana Department of Environmental Management.
- 3.33 "Indirect Discharge" or "Discharge" shall mean the introduction of pollutants into a POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- 3.34 "Industrial User" shall mean a non-domestic discharger introducing pollutants into the Sewerage System, regardless of whether the discharger is within the boundaries of the District. Any reference herein or obligation of a User shall include an Industrial User.
- 3.35 "Industrial Wastes" shall mean a shall mean any solid, liquid or gaseous substances or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person(s) and shall further mean any waste from an industrial sewer.
- 3.36 "Industrial Waste (Pretreatment) Permit" shall mean a permit issued by the District to deposit or discharge Industrial Waste into any Sanitary Sewer.
- 3.37 "Infiltration" shall mean the water entering the Sewerage System, including Building Drains and Sewers, from the ground, through means including, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from Inflow.

- 3.38 "Infiltration/Inflow (I & I)" shall mean the total quantity of water from both Infiltration and Inflow without distinguishing the source.
- 3.39 "Inflow" shall mean the water discharged into a new Sewerage System, including Building Drains and Sewers, from sources, including, but not limited to, roof leaders, cellars, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm Sewers and Combined Sewers, catch basins, storm waters, surface run-off, street wash waters or drainage, or sump pumps. Inflow does not include and is distinguishable from Infiltration.
- 3.40 "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, Sewer, receptacle or Outlet.
- 3.41 "Inspector" shall mean a Person duly authorized by the District, through its Board of Trustees, to inspect and approve the installation of Building Sewers and their connection to the Public Sewer.
- 3.42 "Interference" shall mean the inhibition or disruption of the District treatment processes or operations that contributes to a violation of any requirement of the District's NPDES Permit.
- 3.43 "Licensed Contractor" shall mean a contractor licensed or permitted by Kosciusko County, Indiana, or the State of Indiana to perform the service or task he or she is contracted to perform.
- 3.44 "Major Industrial User" shall mean a User of a District-owned treatment works that:
- 3.44.1 Has a flow of 2,000 gallons of waste or more per average workday; or
- 3.44.2 Has a flow of waste greater than 5% of the flow carried by the part of the District system receiving waste; or
- 3.44.3 Has in its waste a Toxic Pollutant in amounts as defined in standards issued under 33 USC 1317(a); or
- 3.44.4 Is found by the IDEM, in connection with the issuance of the NPDES Permit to a District-owned treatment works receiving the waste, to have significant impact whether singularly or in combination with other contributing industries, upon the quality of Effluent from that treatment works.
- 3.45 "Marina" shall mean a structure that:
- 3.45.1 Provides, for a fee, one (1) or more of the following:
- (a) Boat engine fuel;
  - (b) Boat repair;
  - (c) Boat sales or rentals; or
  - (d) Boat slip rental.



- 3.46 "National Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33 USC 1317(b) and (c) of the Act that applies to a specific category of Industrial Users.
- 3.47 "Natural Outlet" shall mean any outlet, including storm sewers overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- 3.48 "New Source" shall mean any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants.
- 3.49 "Noncontact Cooling Water" shall mean water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- 3.50 "Normal Domestic Sewage" shall have the same meaning as defined in the Sewer Rate Ordinance.
- 3.51 "North Shore Service Area" shall mean those areas formally discharging to the District's sewer system, which discharge was treated at the Syracuse Wastewater Treatment Plant, but as of the date of this Ordinance is now treated wholly by the District and its Sewage Works.
- 3.52 "NPDES Permit" shall mean the National Pollutant Discharge Elimination System permit that sets the conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States, pursuant to 33 USC 1342.
- 3.53 "Nuisance" shall mean anything which is injurious to health or offensive to the senses or an obstruction of the free use of property so as to interfere with the comfort or enjoyment of life or property.
- 3.54 "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of Sewage or of Wastewater Treatment Plant Effluent into any Watercourse, pond, ditch, lake or other body of surface or ground water.
- 3.55 "Owner" shall mean the owner of record of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other Person, firm or corporation in control or possession of a building.
- 3.56 "Pass through" shall mean a discharge which exits a POTW into waters of the United States in quantities or concentrations which, along or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Turkey Creek Regional Sewer District's NPDES permit, including an increase in the magnitude or duration of a violation.
- 3.57 "Permit" shall mean a permit to be issued by the District upon application by a property owner authorizing the tapping into and/or connection to the sewer.

- 3.58 "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
- 3.59 "pH" shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
- 3.60 "Phosphorus" (or P) shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in Section 3.86 of this Ordinance.
- 3.61 "Pollutant" shall mean dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (w.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- 3.62 "Pollution" shall mean an alteration of the quality of the waters of the State of Indiana by waste to a degree which unreasonably affects such water for beneficial uses or facilities which serve such beneficial uses. The human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.
- 3.63 "Premises" shall mean a parcel of real estate including any single improvement there on which is determined by the Turkey Creek Regional Sewer District to be a user for purposes of receiving, using and payment for service.
- 3.64 "Pretreatment" shall mean shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a Publicly Owned Treatment Works (or POTW). The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under Section 307 of PL 95-217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.
- 3.65 "Pretreatment Requirements" shall mean any substantive or procedural requirement of any local, State, or Federal authority, including, if applicable, the National Categorical Pretreatment Standard imposed on an Industrial User, related to pretreatment of industrial Sewage from privately owned sources before introduction into the public Sewage Works.
- 3.66 "Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- 3.67 "Pretreatment Standard(s)" shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

- 3.68 "Prohibited Discharge Standards or Prohibited Discharges" shall mean absolute prohibitions against the discharge of certain substances as found in this Ordinance.
- 3.69 "Proper Operation and Maintenance" shall mean procedures executed in a prudent, cost-effective and workmanlike manner which achieve the highest and/or required effluent quality of industrial discharge attainable in conformance with the best available technology and practices. Proper operation and maintenance requirements include avoidance of operational error, adherence to manual instructions, preventive maintenance, avoidance of careless or improper operation, accurate sampling, analysis and records retention, storage of process chemicals, lubricants, solvents, etc., in a safe and organized manner, avoidance of accidental spillage, keeping operational logs and other activities which produce the desired effluent quality.
- 3.70 "Private Sewer" shall mean a sewer which is not owned by public authority.
- 3.71 "Privy" shall mean a small building separate from a dwelling or structure used for the disposal of wastes.
- 3.71.1 "Pit Privy" shall mean a privy that is unlined or has an unlined bottom. A pit privy is designed to allow the liquid wastes to seep into the soil.
- 3.71.2 "Portable Privy or Porta-Potty" shall mean a portable sanitation unit with a self-contained tank to store wastes.
- 3.71.3 "Vault Privy" shall mean a privy which is set over a watertight tank.
- 3.72 3.71 "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- 3.73 3.72 "Public Sewer" shall mean a sewer which is owned and controlled by the public authority or public utility and will consist of some or all of the following increments and components:
- 3.73.1 "Retention Tank", when applicable, shall mean a tank located on or near a property to be connected to the Public Sewer, to be owned by District and shall be constructed pursuant to specifications adopted by District or are required by law or regulations in effect from time to time.
- 3.73.2 "Collector Sewer" shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
- 3.73.3 "Interceptor Sewer" shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- 3.73.4 "Force Main" shall mean a pipe in which wastewater is carried under pressure.

- 3.73.5 **"Pumping Station"** shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
- 3.74 **"Publicly Owned Treatment Works (or POTW)"** shall mean a "treatment works," as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Turkey Creek Regional Sewer District. 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.
- 3.75 **"Receiving Stream"** shall mean a Watercourse, stream or body of water receiving the waters finally discharged from the WWTP.
- 3.76 **"Sanitary Sewage"** shall mean Sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions that is free from storm water, surface water and Industrial Waste.
- 3.77 **"Service Charge"** shall mean the basic assessment levied on all Users of the Public Sewer system for wastes that do not exceed in strength the concentration values above which a Strength-of-Wastes Surcharge will be made.
- 3.78 **"Service Connection"** shall mean the piping, fittings, appurtenances, and grinder pump that are connected to the main Sewer system in order to service a property or properties and that are owned, operated, and maintained by the District.
- 3.79 **"Sewage"** shall mean the water-carried wastes, including, but not limited to Gray Water, from residences, commercial buildings, institutions and industrial establishments or any building or use, singularly or in any combination, together with such unintentional ground, surface and storm waters as may be present.
- 3.80 **"Sewage Works"** shall mean all public facilities and systems for collecting, transporting, pumping, treating and disposing of Sewage and Sludge, namely the Sewerage System and WWTP, whether or not in active use.
- 3.81 **"Sewer"** shall mean a pipe or conduit for carrying Sewage or other waste liquids as differentiated below:
- 3.81.1 **"Sanitary Sewer"** shall mean a Sewer that carries Sewage and to which storm, surface and ground waters and unpolluted industrial wastewaters are not intentionally admitted.
- 3.81.2 **"Storm Sewer"** shall mean a Sewer that carries storm, surface and ground water drainage but excludes Sanitary Sewage.
- 3.82 **"Shall"** is mandatory.
- 3.83 **"Sludge"** shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial WWTP, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards

issued under 33 USC 1342 and 33 USC 1345 and in the applicable requirements under 42 USC 6921, 42 USC 6924, and 42 USC 6944 of the Solid Waste Disposal Act (SWDA), being 42 USC 6901 et seq.

- 3.84 "Slug" Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and which adversely affects the sewage works.
- 3.85 "South Shore/Waco Service Area" or "SWAP Area" shall mean those areas within Wawasee Service Area located from the intersection of Kosciusko County Road 800 East and Vawter Park Road, thence clockwise around Lake Wawasee to the Syracuse Town Limits on Indiana State Road 13.
- 3.86 "Standard Industrial Classification (SIC)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, or latest edition.
- 3.87 "Standard Methods" shall mean the examination and analytical procedures set forth in the most recent edition of Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
- 3.88 "Storm Sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- 3.89 "Storm Water" shall mean any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- 3.90 "Storm Water Pollution Prevention Plan (SWPPP)" shall mean a plan prepared to control erosion in accordance with 327 IAC 15-5.
- 3.91 "Strength-Of-Wastes Surcharge" shall mean the extra charges for sewerage service assessed customers whose Sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the Service Charge.
- 3.92 "Superintendent" shall mean the superintendent of the WWTP of the District or his or her duly authorized representative.
- 3.93 "Surcharge" shall mean a charge for sewerage services in addition to the basic Service Charge.
- 3.94 "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, Sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

- 3.95 "Tap" shall mean the connection of the Building or House Drain and/or Sewer to a Public Sewer system.
- 3.96 "Total Solids" shall mean the sum of suspended and dissolved solids.
- 3.97 "Toxic Amount" Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (PL 95-217).
- 3.98 "Toxic Pollutant" shall mean those substances referred to in 33 USC 1317(a) as well as any other known potential substances capable of producing toxic effects.
- 3.99 "Turkey Creek Regional Sewer District" (or District) as used herein, shall mean and include such employees, or designees of the Turkey Creek Regional Sewer District, as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify that they in fact represent said District for said purposes.
- 3.100 "Turkey Creek Regional Sewer District Development Standards, Details, and Specifications Manual (Development Standards Manual)" shall mean a collection of documents that identify the standards and specifications for performing common physical tasks, including, but not limited to, construction and installation of Building Drains and Sewers, Public Sewers, and Service Connections, in a manner that is acceptable to the District.
- 3.101 "Unpolluted Water" shall mean water of quality equal to or better than the Effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Sanitary Sewers and wastewater treatment facilities provided.
- 3.102 "Upset" shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance or careless or improper operation of the facilities.
- 3.103 "User" shall mean any Person who owns, rents, or leases real property to which the District provides or is authorized to provide Sanitary Sewage collection, transmission, and treatment service.
- 3.104 "Volatile Organic Matter" shall mean the material in the sewage solids transformed to gases or vapors when heated to 550 degrees C for 15 to 20 minutes.
- 3.105 "Wastewater" shall mean the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions.

- 3.106 "Wastewater Constituents and Characteristics" shall mean 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.
- 3.107 "Wastewater Treatment Plant (WWTP)" shall mean the arrangement of devices, structures and equipment used for treating and disposing of Sewage and Sludge.
- 3.108 "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.
- 3.109 "Wawasee Sewer Area" shall mean those areas discharging to the District's sewer system, which discharge is treated at the District's Wastewater Treatment Plant, excluding the SWAP Area.

#### SECTION 4. Abbreviations

The following abbreviations are used in this Ordinance:

CFR	Code of Federal Regulations
IC	Indiana Code
IDEM	Indiana Department of Environmental Management
ISDH	Indiana State Department of Health
mg	milligrams
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works (District Treatment Works)
SIC	Standard Industrial Classification
SWPPP	Storm Water Pollution Prevention Plan
TCRSD	Turkey Creek Regional Sewer District
TSS	Total Suspended Solids
WWTP	Wastewater Treatment Plant

#### SECTION 5. General Sewer Use Regulations

- 5.1 It shall be unlawful for any Person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of the District any human or animal excrement, Garbage or other objectionable waste, including, but not limited to, Gray Water.
- 5.2 No Person shall place, deposit or permit to be deposited in any manner on public or private property within the District or in any area under the jurisdiction of the District any wastewater or other polluted water, including, but not limited to, Gray Water, except where suitable treatment has been provided in accordance with the provisions of this Ordinance and the District's NPDES Permit.

- 5.3 No Person shall discharge or cause to be discharged to any Outlet, natural or constructed, any wastewater or other polluted water, including, but not limited to, Gray Water, except where suitable treatment has been provided in accordance with the provisions of this Ordinance and the District's NPDES Permit.
- 5.4 Except as hereinafter provided or except as provided in other ordinances of the District or the laws of the State of Indiana, it shall be unlawful to construct or maintain any private septic system, privy, privy vault, outhouse, septic tank, cesspool, portable toilet or other facility intended or used for the collection, treatment, or disposal of Sewage.
- 5.5 No Person shall discharge or cause to be discharged to any sanitary Sewer, Building Sewer or Building Drain connected to a sanitary Sewer, either directly or indirectly, storm water, surface water, ground water, Infiltration, Inflow, Infiltration/Inflow, roof runoff, subsurface drainage, cooling water, Unpolluted Water or unpolluted industrial water or water from a basement or crawl space.

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

- 5.6 Pursuant to the authority and limitations stated in I.C. 13-26-5-2, I.C. 13-26-5-2.5, and I.C. 13-26-5-2.6 and any subsequent amendment thereto, the Board shall have the power to direct the Owner of any house, building or property used for human occupancy, employment, recreation or other purposes situated within the District, within a distance of a Public Sewer of the District with adequate capacity prescribed by I.C. 13-26-5-8, to install at his or her sole expense suitable toilet facilities therein and to connect such facilities directly with the proper Public Sewer in accordance with the provisions of this Ordinance within ninety (90) days after the date of official notice to do so.
- 5.7 Any construction of or remodeling or improvements to a Sewage-producing facility located within the District or in any area under the jurisdiction of the District shall be subject to the provisions of this Ordinance and the review and the approval of the Board or its designee. All Sewer construction shall comply with all applicable Federal, State, and local laws, rules, and regulations.

## **SECTION 6. Private Sewage Disposal Systems Within the District**

- 6.1 Where a Public Sewer is not available under the provisions of Section 5.6, the Building Drain and/or Sewer shall be connected to a private Sewage disposal system in a manner that is satisfactory to the District and that complies with the provisions of this Ordinance and all applicable Federal, State and local laws, rules, and regulations, including, but not limited, rules and regulations promulgated and/or enforced by the Indiana Department of Health and the Kosciusko County Health Department.



- 6.2 Before construction of a private Sewage disposal system begins, the Owner shall first obtain a written permit signed by the Administrator. The application for said permit shall be submitted on a form provided by the District, which the applicant shall supplement with any plans, specifications, or other information deemed necessary by the Board. The permit issued by the District shall be submitted to the Kosciusko County Health Department. A permit and inspection fee in an amount established by the Board shall be paid to the District at the time the application is filed.
- 6.3 A permit for a private Sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Administrator and the Kosciusko County Health Department. The Administrator shall be allowed to inspect the work at any stage of construction and, in any event, the Owner or his or her designee shall notify the Administrator at least 24 hours before the work is ready for final inspection and before any underground portions are covered.
- 6.4 The type, capacity, location and layout of a private Sewage disposal system shall comply with all Federal, State and local laws, rules, and regulations, including, but limited to, rules and regulations promulgated and/or enforced by the Indiana State Department of Health and the Kosciusko Health Department.
- 6.5 No private Sewage disposal system shall discharge to any natural Outlet.
- 6.6 The Owner shall operate and maintain the private Sewage disposal system in a sanitary manner at all times at his or her sole expense and at no expense to the District. The Owner shall protect from abuse and damage the District portion of the Sanitary Sewer collection system located on the Owner's property.
- 6.7 No statement contained in this Ordinance shall be construed so as to interfere with any additional requirements that may be imposed by any other Federal, State or local governmental body or agency, including, but not limited to, the Indiana State Department of Health and the Kosciusko County Health Department.

#### **SECTION 7. Connection to Available Public Sewer Service (Lateral)**

- 7.1 Unless an Owner is exempt in accordance with IC 13-26-5-2.5 or IC 13-26-5-2.6, at the time a Public Sewer becomes available to a property, a circumstance defined by the proximity elements stated in IC 13-26-5-2(8)(A) or any subsequent amendment thereto, the District shall inform the Owner of the availability of the Public Sewer by certified mail, return receipt requested. A direct connection of the Building Sewer shall then be made to the Public Sewer Service (Lateral) in a manner that is satisfactory to the District and in compliance with this Ordinance and all applicable Federal, State, and local laws, rules and regulations at the Owner's sole expense within a minimum 90 days (or other time frame duly prescribed by the district greater than 90 days) of the notice as required by IC 13-26-5-2(8)(B). In addition, all septic tanks, seepage pits, outhouses, pit privies and/or similar private Sewage disposal facilities or systems shall be abandoned, cleaned, and filled a manner that is satisfactory to the District and that complies with all applicable Federal, State, and local laws, rules and regulations.

- 7.2 No Owner or User of any real property shall tap or drain either directly or indirectly into any Public Sewer until a Sewer Tap Permit has been obtained from the District and he or she has satisfied his or her obligation to pay all assessments, reimbursements or pro rata shares of Sewer extension costs laid against the property for Public Sewers installed to serve it. The Tap Permit may be obtained only by the Owner or a Licensed Contractor duly authorized by the Owner to obtain the Permit. The Tap Permit shall be approved by the Administrator or his or her designee before it is issued. A Tap Permit given in error or sewerage Service Charges billed to a property in error shall not operate to nullify any such legal obligation that has been duly recorded.
- 7.3 A grinder station may be shared by no more than two properties. Agreements as to sharing of costs of installation of a Service Connection shall be reached between the Owner or Owners and the District before installation of the Service Connection shall begin.
- 7.4 Any connection from Inflow sources into the Sanitary Sewer portions of the Sewerage System shall be prohibited.
- 7.5 Each connection to the Sanitary Sewers, including, but not limited to, all grinder pumps, pipe, materials, fittings, and appurtenances, shall be designed and installed in a manner that is satisfactory to the District and in compliance with this Ordinance and all applicable Federal, State, and local laws, rules and regulations, including, but not limited to, the Development Standards Manual, and State and local building codes.
- 7.6 Once the Service Connection has been inspected and approved by the District, the Owner shall be liable for all repair and maintenance of the electrical service to the Service Connection, the grinder pump and all other components of the Building Sewer.
- 7.7 Unless the Board of Trustees determines that an alternative configuration is more financially viable for the District, the Owner of property to which a Service Connection is made or required as provided herein shall provide and maintain an electrical service at the Owner's expense. The service shall comply with this Ordinance and all applicable Federal, State, and local laws, rules and regulations, including but not limited to, the Development Standards Manual, the National Electric Code, and State and local building codes for the operation of a grinder pump, other pumps, or other appurtenances requiring electricity as part of the Sewage Works. The Owner shall pay and be liable for all charges in connection with use of the electrical service. The Owner shall be solely liable for the costs to upgrade home electrical service or the home electrical panel as may be necessary.
- 7.8 The District shall charge the Owner a Permit fee established by the Board which fee shall include the cost to inspect the Building Sewer connection and electrical service.
- 7.9 The Owner applying for a Permit shall notify the District when the Building Sewer is ready for Service Connection. The connection shall be made under the supervision of the Administrator or his or her designee. No back fill shall be placed in any open trench until the work has been inspected and approved by the District. Except where other provisions are made, the District inspection shall be completed by the end of next business day after the day the Administrator received notice that an installation is ready for connection.

## **SECTION 8. Connection of New Sewage-Producing Facilities**

- 8.1 When an Owner causes to be constructed a structure or any part of a structure that is capable of producing Sewage on property within the District or under the jurisdiction of the District that falls within the proximity requirements stated in IC 13-26-5-2(8)(A) or any subsequent amendment thereto, the Owner shall cause the Building Sewer of the Sewage-producing structure and the Building Sewers of all other Sewage-producing structures on the property to be directly connected to the Public Sewer Service (Lateral). Said connection shall be made at the Owner's sole expense in a manner that is satisfactory to the District and in compliance with this Ordinance and all applicable Federal, State, and local laws, rules and regulations, including but not limited to, the Development Standards Manual, and State and local building codes. In addition, if necessary in that circumstance, all septic tanks, seepage pits, outhouses, port-a-potties, pit privies and/or similar private Sewage disposal facilities or systems located on the property shall be abandoned, cleaned, and filled a manner that is satisfactory to the District and that complies with all applicable Federal, State, and local laws, rules and regulations.

## **SECTION 9. Costs Borne by Owner: Indemnification of District**

All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the Owner. The Owner shall indemnify the District against and hold the District harmless from any loss, damage, or costs that may directly or indirectly be occasioned by the installation of the Building Sewer, including, but not limited to, administrative and legal fees and costs to control erosion from the site of the work.

## **SECTION 10. Existing Building Sewers Used with New Building**

Existing Building Sewers may be used in connection with new buildings only when they are found by the Administrator or his or her designee, on examination and testing by a Licensed Contractor, to meet all requirements of this Ordinance.

## **SECTION 11. Conformance with Building and Plumbing Regulations**

The size, slope, alignment, and materials of construction of a Building Sewer and the methods to be used in excavating, placing pipe, jointing, testing and backfilling the trench shall all conform to the requirements of all applicable Federal, State, and local law, rules and regulations, including, but not limited to, the Development Standards Manual, and State and local health, building, and plumbing codes.

## **SECTION 12. Conformance with Storm Water Pollution Prevention Plan**

Any Person making a connection to the Sewage System shall prohibit the runoff or tracking of soil from the construction site and shall perform such construction in full compliance with Indiana Administrative Code Title 327 IAC 15-5 and the latest amendments thereto.

### **SECTION 13. Easements and Operations and Maintenance Responsibilities**

- 13.1** In the event any tank, pump, sewer line, manhole or other component of the District's public sanitary sewer system is located on private property, the Owner of such private property shall, subject to said Owner's rights, grant a permanent easement to the District for the purpose of installing, servicing, maintaining, repairing and inspecting such component(s).
- 13.2** The District shall be responsible to repair all damage to the easement area and to leave it in the same condition as it was prior to District's entry thereon.
- 13.3** In the event the easement is for a tank benefitting the Owner's property, the Owner shall reimburse District for all expenses of preparing, executing and recording such easement, in an amount determined by the District from time to time.

### **SECTION 14. Extension of Operation and/or Connections Outside of Territory**

- 14.1** The installation, construction, or extension of the District Sewerage System inside or outside of the IDEM-approved operating territory of the District and the connection of Sewers into the District's Sewerage System from, by or for properties located outside the District's IDEM-approved operating territory shall be prohibited except upon prior approval by the Board of Trustees.
- 14.2** Notwithstanding the provisions of Section 14.1, the Board of Trustees shall have the authority to permit a property located outside the District's IDEM-approved operating territory to connect to an existing Sewer that is part of the District's Sewerage System, provided the property abuts, adjoins and is immediately contiguous to a street, alley or Easement in which the Sewer is located and provided the Owner has complied with all the conditions set out herein.

### **SECTION 15. Disconnection from or Reconnection to the District's Sewerage System**

- 15.1** No Owner shall disconnect his or her property from the District's Sewerage System without the approval of the Board of Trustees.
- 15.2** Forfeiture of the Sanitary Sewer connection shall render a property uninhabitable.
- 15.3** In the event an Owner shall elect to forfeit the Sanitary Sewer connection and the Board of Trustees or its representative approves disconnection of the property, the Owner shall do each and every one of the following:
  - 15.3.1** Complete and submit a disconnect form provided by the District. The form shall be signed by all Owners of record and their signatures shall be notarized.
  - 15.3.2** Pay an inspection fee established by the Board.

- 15.3.3 At his or her sole expense, disconnect the Building Drain and/or Sewer from the Service Connection in a manner satisfactory to the District. Measures satisfactory to the District may include, but shall not be limited to, disconnecting, capping, installing a marker locator within four (4) feet of the Service Connection, and removing and disposing of the Building Drain piping and fixtures.
- 15.3.4 Reimburse the District for any damage caused during the removal process.
- 15.3.5 Reimburse the District for any out-of-pocket costs expended by the District in providing the Owner with services that were specifically for the benefit of said Owner.
- 15.3.6 Pay any continuing fees as prescribed by the District's ordinances or resolutions duly adopted.
- 15.4 If an Owner elects to reconnect in the future, the connection will be treated as a new Tap connection and the provisions of Section 7 and Section 8 shall apply. Capital charges, connection charges, and other charges then in effect shall be applied.
- 15.5 The above-referenced procedure shall not apply if the disconnect is for the pre-stated purpose of building a new dwelling and reconnecting to the sewer system.

#### **SECTION 16. Industrial Dischargers**

- 16.1 All industrial dischargers proposing to connect to or discharge Sewage, Industrial Waste or other waste to the District's Sewerage Works shall:
  - 16.1.1 Be located within the IDEM-approved operating territory of the District; and
  - 16.1.2 Have the approval by the Board of Trustees to operate within the District's IDEM-approved operating territory; and
  - 16.1.3 Comply with all provisions of this Ordinance.
- 16.2 All dischargers of the regulated industrial categories shall comply with National Categorical Pretreatment Standards, as promulgated by the EPA pursuant to the Clean Water Act, and all other Pretreatment Requirements.
- 16.3 State requirements and limitations on discharges apply in any case in which said requirements and limitations are more stringent than Federal requirements or those contained herein.
- 16.4 **Prohibited Discharges.** Except as hereinafter provided, no Person shall discharge or cause to be discharged to any District Sewerage Works any of the following described substances, wastes or waters:
  - 16.4.1 Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit;

- 16.4.2 Any waters or wastes containing more than 100 mg/l of fats, oils, greases or waxes;
- 16.4.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid, or gas;
- 16.4.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into Sewers for their maintenance and repair;
- 16.4.5 Any Garbage that has not been properly ground;
- 16.4.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in Sewers or other Interference with the proper operation of the Sewerage System or the WWTP;
- 16.4.7 Any waters or wastes having a pH lower than six (6) or higher than nine (9) or having any other corrosive property capable of causing damage or posing hazards to the structure, equipment or personnel of the Sewage Works;
- 16.4.8 Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions;
- 16.4.9 Any toxic radioactive isotopes;
- 16.4.10 Any waters or wastes that for a duration of five minutes or more have a concentration more than five times the average concentration of the BOD or the Suspended Solids of the customer's Sewage discharged during a 24-hour period of normal operation;
- 16.4.11 Any waters or wastes containing Suspended Solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the WWTP, its pumping stations or other facilities.
- 16.4.12 Any waters or wastes containing toxic substances, as defined under Section 307(b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process of the Sewage treatment plant or that will pass through the plant into the Receiving Stream in amounts exceeding the standards set by Federal, interstate, State or other competent authority having jurisdiction, or will prevent the disposal of the Sludge by the plant in accordance with 33 USC 1345;
- 16.4.13 Any waters or wastes containing non-Compatible Pollutants as defined herein;
- 16.4.14 Any toxic ions, compounds or substances exceeding the amounts of concentrations as set out below, or as set out in any Pretreatment Requirement whichever is more stringent.

- 16.5 Unless specifically authorized by the Administrator, no wastewater discharge shall contain in excess of the following:

<b>Constituent</b>	<b>Concentration (mg/l)</b>
Arsenic	0.10
Barium	2.00
Cadmium	0.20
Chromium (trivalent)	2.00
Chromium (total)	3.00
Chromium (hexavalent)	1.00
Copper	2.00
Iron	5.00
Lead	0.20
Manganese	0.40
Selenium	0.02
Silver	0.20
Zinc	2.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00
Nickel	2.00
Cyanide	1.00
Phenol	1.00
Phosphorus	10.00

- 16.6 *Right to Refuse.* The District reserves the right to refuse connection to any prospective User in the event the Sewage requirements of the User, in the judgment of the Board of Trustees, could impose an excessive burden on the Sewage Works. The District further reserves the right, in the event of an emergency, to restrict the allowable discharge received from any or all large-system Users during the time of emergency.
- 16.7 *Dilution Prohibited.* No discharger shall increase the use of potable or process water in any way or mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.
- 16.8 *Accidental Discharges.* Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials shall be provided and maintained at the discharger's expense. Detailed plans showing facilities and operating procedures to provide the protection shall be submitted to the District for review and approval by the District before construction of any discharging facility. Review and approval of plans and operating procedures by the District shall not relieve the discharger from liability to modify its facility as necessary to meet applicable requirements.

- 16.8.1 Dischargers shall notify the District immediately when a Slug load or accidental discharge occurs. The notification shall include the location of the discharge, date

and time of occurrence, type of waste, concentration and volume and corrective actions. A User shall notify the Administrator upon accidentally discharging chemicals, corrosive substances or anything harmful to the Sewage Works or treatment process, or wastewater in violation of this section, to enable countermeasures to be taken by the District and to minimize damage to the Sewerage Works, treatment process and the receiving stream.

- 16.8.2 Any Industrial User who discharges a Slug load of prohibited materials shall be liable for any expense, including loss or damage to the District Sewage Works, in addition to the amount of any fines imposed on the District under State or Federal law.
- 16.8.3 The notice specified herein shall not relieve Users of liability for any expense, loss or damage to the Sewerage Works or treatment process or any fines or penalties imposed by the Board of Trustees, which expense, loss or damage shall be paid for by the User.
- 16.8.4 The notice specified herein shall be followed within 7 days of the date of occurrence by a detailed written report, signed by the User, describing the causes of the accidental discharge and measures taken or to be taken to prevent similar occurrences.
- 16.8.5 Signs shall be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge as to emergency notification procedures.
- 16.9 *Liability for Damages.* If a Sewage Works becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the Person or Persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the District in cleaning out, repairing or rebuilding all or part of the Sewerage Works.
- 16.10 *Special Agreements.* No statement contained in this Ordinance shall be construed as prohibiting any special agreement or arrangement between the District and any Person whereby an Industrial Waste of unusual strength or character may be accepted by the District for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Works by reason of the admission of such wastes and no extra costs are incurred by the District without compensation by the Person.
- 16.10.1 Waste from individual Sewage systems or other waste may be accepted with permission of the Administrator. Except as otherwise provided, no waters or waste described in this Section of the Ordinance shall be disposed of at the WWTP.
- 16.10.2 Rates for disposal at the WWTP shall be determined by the District and shall be paid at the time of acceptance.
- 16.11 *Authority to Exclude.* The Board of Trustees shall have the authority to exclude certain Industrial Wastes, including, but not limited to, the following:



- 16.11.1 All Industrial Waste;
  - 16.11.2 Certain Industrial Waste that because of its constituents (toxicity, acidity and the like) may impair the functioning of the WWTP; and
  - 16.11.3 All or certain Industrial Waste for periods of time when conditions are such that NPDES Permit restrictions cannot be met.
- 16.12 *Prior Approval of Certain Wastes.* The Administrator may review and approve applications to discharge into the Public Sewers Sewage that has:
- 16.12.1 A BOD greater than 200 mg/l;
  - 16.12.2 A Suspended Solids content greater than 250 mg/l; or
  - 16.12.3 Other contaminants or characteristics which, because of their nature or quantity, might be harmful to the structures, processes or operations of the Sewage Works or to health, whether by themselves or through interactions with other wastes in the Public Sewers.

## SECTION 17. Pretreatment

- 17.1 *Pretreatment and Modification.* When the Administrator concludes that before a Person may discharge his or her wastes into the Public Sewers he or she must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Works or be injurious to health, the Person shall either modify his or her wastes at the point of origin or shall provide and operate at his or her own expense such preliminary treatment or processing facilities as may be deemed by the District to be necessary to render his or her wastes acceptable for admission to the Public Sewers.
- 17.2 *Prior Approval of Facilities.* Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the IDEM Office of Water Quality and the District for examination and approval. No construction of such facilities shall begin until the District, through its Board of Trustees, has given its written approval for filing such plans with IDEM for a construction permit. The approval shall not exempt the Person from the obligation to make further reasonable adaptations of such facilities when such adaptations are deemed by IDEM or the District to be necessary to secure the results desired.
- 17.3 *Operation of Facilities.* Where the preliminary treatment facilities are provided, the User shall obtain an industrial wastewater pretreatment permit from IDEM and shall continuously maintain said facilities in satisfactory and effective operating condition at the User's sole expense. The facilities shall be subject to periodic inspection by IDEM and the District. The User shall create and maintain suitable operating records and shall submit to the Administrator monthly summary reports of the character of the Influent and Effluent as the District may deem to be necessary.

- 17.4 ***Discharge Restrictions.*** Whenever the District shall deem the measure to be necessary, the Administrator shall require a User to restrict its discharge during peak flow periods, designate that certain wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate Sewage from industrial waste streams, and such other conditions as may be necessary to protect the Sewage Works and determine the User's compliance with the requirements of this Ordinance.
- 17.5 ***Storage and Flow-Control Facility.*** Whenever the District shall deem the measure to be necessary, the Administrator shall require any Person discharging into the Sewage Works to install and maintain, on the Person's property and at the Person's sole expense, a suitable storage and flow control facility to ensure equalization.
- 17.6 ***Increased Discharges.*** The District shall have the authority to accept or deny any new or increased discharges from any indirect discharger into the District Sewerage System.
- 17.7 ***Emergency Suspensions.*** The Administrator may immediately suspend a User's discharge, after informal notice to the User, whenever suspension is necessary to prevent an actual or threatened discharge that is likely to imminently or substantially endanger the health or welfare of Persons. The Administrator also may immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the District Sewage Works or that endangers or is likely to endanger the environment.
- 17.7.1 Any User that has been notified to suspend its discharge shall immediately stop or eliminate the discharge. In the event a User fails to immediately comply voluntarily with the suspension order, the Administrator may take such steps as he or she deems necessary, including, but limited to, immediate severance of the Sewer connection, to prevent or minimize damage to the District Sewage Works or its Receiving Stream or endangerment to any individuals or the environment.
- 17.7.2 The Administrator may allow a User to recommence its discharge when the User has demonstrated to the satisfaction of the Administrator that the period of endangerment has passed, unless the termination proceedings under the Termination of Discharge section of this Ordinance are initiated against the User.
- 17.7.3 A User that is responsible in whole or in part for any discharge presenting imminent endangerment referred to herein shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the Administrator before the date of any show cause or termination hearing under the Show Cause Hearing or Termination of Discharge Sections of this Ordinance.
- 17.7.4 Nothing in this Section 17.7 or any of its subparts shall be interpreted as requiring a hearing before any Emergency Suspension.

## SECTION 18. Grease and Sand Traps

- 18.1 Whenever the Administrator determines that interceptors or traps are needed to protect the Sewage Works, including, but not limited to, the operations of the WWTP, from grease, oil, sand or similar substances occurring in a User's Sewage, the User shall purchase, install, operate, and maintain such traps at his or her sole expense.
- 18.2 Each trap shall be operated and maintained so that none of the prohibited substances shall be discharged into the Public Sewers.
- 18.3 Each trap shall be installed in a location and in a manner satisfactory to the District.
- 18.4 Each trap shall be maintained to meet concentration limits set forth in this Ordinance.
- 18.5 Records of the maintenance of each trap shall be kept by the User and made available for inspection upon the request of the Administrator or his duly authorized designee.
- 18.6 A User whose trap has the potential to discharge a flammable substance may be required to install and maintain an approved combustible gas detection meter.
- 18.7 Submission of Industrial Waste Data
- 18.8 Any User that discharges Industrial Wastes into the Sewage Works, either directly or indirectly, shall, upon the written request of the Board of Trustees or its representative, complete and file with the District within 90 days of the request an Industrial Waste questionnaire on a form provided by the District. The User shall set out the quantity and characteristics of the wastes discharged into the Sewage Works. Similarly, any Person desiring to establish a new connection to a Public Sewer for the purpose of discharging Industrial Waste shall complete and file with a questionnaire that shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. In addition, any residential User suspected of discharging Industrial Waste may be required to complete and submit a similar questionnaire to the District.
- 18.9 When special circumstances, such as the size or complexity of a User's sewage disposal problem would make complying within the period stated above an unreasonable burden on the User, an extension of time, not to exceed 90 days, may be granted by the Board of Trustees upon presentation of a proper application.

## SECTION 19. Control Manholes

- 19.1 Any User discharging Industrial Waste into a Public Sewer, either directly or indirectly, may be required by the Board of Trustees, upon recommendation of the Administrator, to construct and maintain at the User's sole expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of wastes.

- 19.2 Such manholes shall be constructed in accordance with the standards and specifications of the District.
- 19.3 The District may also require the User to install and maintain in any such manhole at the User's sole expenses a volume-measuring device, sampling device or special monitoring equipment approved by the District.
- 19.4 Before construction or installation of a manhole and/or related equipment may begin, plan and specifications for the installation of the manholes and related equipment shall be approved by the Board of Trustees upon recommendation of the Administrator and/or the Engineer.

#### SECTION 20. Industrial Waste Sampling

- 20.1 Any Industrial Waste discharged into the Public Sewers shall be subject to periodic inspection and determination of character and concentration.
- 20.2 The examination shall be made as often as the Administrator deems necessary but no less often than twice a year and may include the use of suitable continuously-monitoring instruments.
- 20.3 Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes.
- 20.4 The sampling period shall be determined by the Administrator. Every care shall be exercised in collecting the samples to ensure their preservation until analyzed in a state comparable to that at the time the samples were collected.
- 20.5 The installation, operation and maintenance of the sampling facilities shall be the responsibility of the Person discharging the wastes and shall be subject to the approval of the Board of Trustees.
- 20.6 Access to the sampling facilities shall be granted at all times to the District's Administrator or his or her duly authorized representative.
- 20.7 Laboratory procedures used in the examination of Industrial Waste shall be those set forth in Standard Methods. However, alternative methods for certain analyses of Industrial Waste may be used subject to agreement between the Administrator and the User. The District may make the initial analysis and any regular periodic-check analysis of the User's waste, as well as other tests the Administrator may deem advisable, and the cost of any analysis made by the District shall be charged to the customer according to the standard work order billing practices. All such analyses shall be binding and conclusive in determining strength of water Surcharges and other matters which are dependent upon the character and concentration of wastes.
- 20.8 Until an adequate analysis of a representative sample of User's wastes has been obtained, the District shall, for the purpose of this Ordinance, make determination of the character

and concentration of the User's wastes by using data based on analyses of similar processes or data for his or her type of business that are available from the EPA or from industry-recognized authoritative sources. If selected by the District, use of this method shall continue until an adequate analysis has been made.

## SECTION 21. Modifications Pertaining to Industrial Waste Provisions.

The District reserves the right to amend the provisions of this Ordinance pertaining to discharges of Industrial Waste in order to assure compliance with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, said provisions shall be amended to require compliance by dischargers with the standards within the time frame prescribed by the standards. All National Categorical Pretreatment Standards promulgated after adoption of this Ordinance shall be adopted by the District as part of the Ordinance. When a discharger subject to a National Categorical Pretreatment Standard has not previously submitted a disclosure form, the discharger shall file a disclosure form with the District within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard by the EPA. In addition, any discharger operating on the basis of a previously filed disclosure statement shall submit to the District within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the additional information required. The discharger shall be informed of any proposed changes in this Section at least 30 days before the effective date of the change. Any changes or new conditions in the Ordinance shall include a reasonable time schedule for compliance.

## SECTION 22. Reports

22.1 *Non-Categorical User.* Any non-categorical User that is not in compliance with the District's limitations shall develop a compliance schedule which shall state when the User shall meet the District's standards. The schedule shall contain increments of progress, (hiring engineers, starting construction and the like) that correspond to specific dates for the tasks' completion. The increments represent major events leading to the operation of pretreatment equipment and processes that meet the District's Pretreatment Requirements. All Users subject to the aforementioned conditions shall submit a progress report to the District no later than 14 days following each date in the compliance schedule. This report shall include whether the User complied with the increment of progress to be met on that date, the reason for the delay if the date was not met, and the steps being taken to return to compliance. In no event shall more than six (6) months elapse between progress reports.

22.2 *Categorical Users.* A categorical User shall comply with the reporting conditions stated in 40 CFR 403.12(b)(7). The User that is not meeting categorical Pretreatment Requirements at the time of promulgation of that standard shall develop a compliance schedule that shall state when the User shall meet the standard. The schedule shall contain increments of progress (hiring an engineer, completing plans, commencing construction, completing construction and the like) that correspond to specific dates for the tasks' completion. The increments shall represent major events leading to the construction and

operation of additional pretreatment required for the User to meet the applicable categorical Pretreatment Requirements.

22.3 *Monthly Reports.* A User shall submit to the District monthly all notices and self-monitoring reports that the District deems necessary to ensure compliance with all applicable Pretreatment Requirements.

22.4 **Baseline Report.**

22.4.1 Within 180 days after the effective date of a categorical Pretreatment Requirement or 180 days after the final administrative decision made on a category, whichever is later, existing Users subject to such Pretreatment Requirements and currently discharging to or scheduled to discharge to the District's Sewage Works shall submit to the District or other Control Authority a report containing the information listed in 40 CFR 403.12(b)(1)-(7).

22.4.2 Upon promulgation of a categorical Pretreatment Requirement, the Control Authority (either EPA or IDEM) will provide the appropriate 12(b) for distribution to the Users who are affected by the promulgated standard. The Users are then required to submit the completed report to the Control Authority.

22.5 **Compliance Date Report.**

22.5.1 Within 90 days after the date for final compliance with an applicable Pretreatment Requirement, any User subject to those standards shall submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge generated from the regulated process which are limited by Pretreatment Requirements.

22.5.2 The report shall also state whether applicable standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharge into compliance. This statement should be signed by an authorized representative of the Industrial User.

22.6 *Periodic Reports on Continued Compliance.* Any discharge subject to an applicable Pretreatment Requirement must submit to the Control Authority during the months of June and December, or more frequently if required by the Control Authority, following the final compliance date of that Pretreatment Requirement, a report indicating the nature and concentration of prohibited or regulated substances in the discharge which are limited by the categorical Pretreatment Requirements. In addition, this report must include a record of all measured or estimated average and maximum daily flows during the reporting period. Flows are to be reported on the basis of actual measurement, except, where cost or feasibility considerations justify, the Control Authority may accept reports of average and maximum flows estimated by verifiable techniques. The Control Authority, considering such factors may authorize submission of the reports on months other than those specified herein.

## **SECTION 23. Inspection and Sampling**

The District or its representative may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Ordinance. The discharger shall allow the District or its representatives, upon presentation of credentials of identification, to enter its premises at all reasonable hours for the purposes of inspection, sampling or records examination. The District shall have the right to set up on the discharger's property any equipment that is necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. The District need not give notice to the industry of an unscheduled inspection.

## **SECTION 24. Records Retention.**

All dischargers subject to local, State or Federal regulations shall retain and preserve for at least three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records that pertain to matters that are the subject of enforcement or litigation activities brought by the District or other authority shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation concerning any appeals have expired.

## **SECTION 25. Confidential Information.**

Information and data furnished to the District by a discharger shall be made available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate pursuant to 40 CFR 2.203 and 327 IAC 12.1-3-1 that the release of such information would divulge information, methods of production entitled to protection as trade secrets or proprietary information of the discharger. However, under no circumstances may the volume or components of the discharge be considered confidential. All requests by the discharger for confidentiality of information shall be made in accordance with and governed by the provisions of I.C. 5-14-3-4, 327 IAC 12.1-3-1 and 40 CFR 2.

## **SECTION 26. Termination of Services to Industrial Dischargers**

The District may terminate wastewater treatment services to any industrial discharger that:

- 26.1 Fails to factually report the Wastewater Constituents and Characteristics of its discharge;  
or
- 26.2 Fails to report significant changes in Wastewater Constituents or Characteristics; or
- 26.3 Violates the Pretreatment Requirements or admissibility requirements of this Ordinance;  
or
- 26.4 Refuses reasonable access to the discharger's premises by representatives of the District for the purpose of inspection or monitoring; or

- 26.5 Violates the conditions of this Ordinance or any final judicial order entered with respect to provisions herein.

#### SECTION 27. Owner's Duty to Notify

It shall be the duty of the Owner to promptly notify the Administrator of any change or modification to the property that could result in change to the charges the District assesses. Any Owner who fails, refuses or neglects to notify the Administrator of such a change or modification shall be deemed to be in violation of this Ordinance, shall be liable for any increased charges that should have been billed by reason of said change or modification under the current District Rate Ordinance and shall be subject to penalties for violation of this Ordinance.

#### SECTION 28. District Liability

The District shall not be responsible or liable for interruptions in service due to disruption of electrical service, natural calamities, equipment failures, or actions of Users. The Owner or User shall maintain its equipment connected to the District Sewage Works so as to not cause disruption of service of the Sewage Works.

#### SECTION 29. Administration and Enforcement

- 29.1 *Bylaws, Rules and Regulations.* The Board of Trustees shall, in accordance with State statutes, make and enforce any bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the Sewage Works, for the construction and use of Building Sewers and connections to the Sewage Works and, in general, for the implementation of the provisions of this Ordinance, and all other ordinances, rules and regulations applicable to the District.
- 29.2 *Amendment.* The District reserves the right to amend this Ordinance, in part or in whole, as provided and permitted by State statutes, whenever it may deem necessary.
- 29.3 *Suspension of Service.* The District may suspend the wastewater treatment service and/or wastewater permit of a discharger if it appears to the District that an actual or threatened discharge presents an imminent danger to the welfare of Persons, to the environment, to the operation of the WWTP or violates any pretreatment limits or any wastewater permit. Any discharger notified of the suspension of wastewater treatment service and/or any discharger's wastewater permit must, within a reasonable period of time as determined by the Board of Trustees, cease all discharges. If the discharger fails to comply voluntarily with the suspension order within the specified time, the Board of Trustees shall immediately commence judicial proceedings unless the discharger can prove the elimination of the noncomplying discharge of conditions as outlined in this Section.
- 29.4 *Revocation of Permit.* The Board of Trustees may revoke the Permit of any discharger that:



- 29.4.1 Fails to factually report the Wastewater Constituents and Characteristics of its discharge; or
  - 29.4.2 Fails to report significant changes in Wastewater Constituents or Characteristics; or
  - 29.4.3 Violates the Pretreatment Requirements or admissibility requirements of this Ordinance; or
  - 29.4.4 Refuses reasonable access to his or her premises by representatives of the District for the purpose of inspection or monitoring; or
  - 29.4.5 Violates the conditions of his Permit, this Ordinance or any final judicial order.
- 29.5 *Show Cause Hearing for Permit Revocation.* Where a violation of this Ordinance or of applicable pretreatment regulations occurs and is not corrected by timely compliance, the permit revocation action authorized by this Ordinance shall not be taken until the following measures have been taken.
- 29.5.1 A written notice shall be served on the discharger by personal service or certified or registered mail specifying the time and place of a hearing to be held by the Board of Trustees.
  - 29.5.2 The Board of Trustees shall hold a hearing at which it shall consider the violation, the proposed enforcement action, and the reasons why the enforcement action is to be taken and shall direct the discharger to show cause as to why the proposed enforcement action should not be taken. The notice of the hearing must be served no less than ten days before the hearing. Service of the notice may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing shall be considered by the Board of Trustees and appropriate orders with respect to the alleged improper activities of the discharger shall be issued.
- 29.6 *Legal Action.* If any Person discharges or fails to discharge Sewage, Industrial Waste or other wastes into the District wastewater disposal system contrary to this Ordinance, Federal or State Pretreatment Requirements, or any order of the Board of Trustees, the District's Attorney may commence an action for appropriate legal and/or equitable relief in any court of competent jurisdiction in Kosciusko County, Indiana.
- 29.6.1 *Injunctive Relief.* When the Administrator finds that a User has violated or continues to violate any provision of this Ordinance or an order issued hereunder, or any other Pretreatment Requirement or admissibility requirements, the Administrator may petition a court of competent jurisdiction in Kosciusko County, Indiana, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the provisions of this Ordinance or order issued hereunder on activities of the User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for

**injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.**

## **29.6.2 Civil Penalties**

**29.6.2.1 A User who has violated or continues to violate any provision of this Ordinance, except for failure to connect penalties which are prescribed in Section 29.12.3, any order issued hereunder, or any Pretreatment Requirement shall be liable to the District for a maximum civil penalty of \$2,500.00 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.**

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

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

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

**29.6.2.5 The remedies provided for in this Ordinance are neither exclusive nor exhaustive. The Administrator 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 enforcement response plan. However, the Administrator may take other action against any User when the circumstances warrant. Further, the Administrator is empowered to take more than one enforcement action against any noncompliant User. In addition to the remedies set forth herein, the District reserves the right to take all other legal action, including filing a lawsuit, against a User, any other Person, or entity in violation of this Ordinance. Such legal action shall include, but is not limited to, a cause of action to recover for damages to the Sewage Works, including, but not limited to, the WWTP, caused by a User's violation of this Ordinance and attorney fees and other costs associated therewith.**

**29.7 *Discharger's Right to Appeal.* Any discharger or any interested party has the right to request in writing an interpretation or ruling by the Board of Trustees on any matter covered by this Ordinance and is entitled to a prompt written reply. In the event that such an inquiry is by the affected discharger and deals with matters of compliance with the Ordinance or**

deals with a wastewater permit, receipt of the discharger's request shall delay all enforcement proceedings until he receives the written reply.

**29.8 Administrative Appeals.**

29.8.1 Any User affected in any decision, action or determination made by the Administrator, including, but not limited to, cease and desist orders, interpretation or implementation of provisions of this Section or actions, decisions, or regulations of the Board of Trustees, or any permit issued herein, may file with the Board of Trustees written requests for review and reconsideration within ten (10) days of a decision, action or determination, setting forth in detail the facts supporting the User's request for reconsideration.

29.8.2 If reasonably possible, the appeal shall be heard by the Board of Trustees within thirty days of the date of filing. The Administrator's decision, action or determination shall remain in effect during a period of reconsideration unless the Board of Trustees otherwise determines.

**29.9 Upsets.**

29.9.1 Any discharger that experiences an Upset in operations which places the discharger in a temporary state of noncompliance with this Ordinance or a wastewater permit must inform the Administrator within 24 hours of the Upset occurrence. When such information is given orally, a written report must be sent to the District within five days. The report must specify:

29.9.1.1 The description of the Upset, the cause and the Upset's impact on the discharger's compliance status; and

29.9.1.2 The duration of noncompliance, including times and dates of noncompliance; and

29.9.1.3 The steps taken or to be taken to reduce, eliminate and prevent recurrence of such an Upset.

29.9.2 A documented and verified operating Upset can be an affirmative defense to any enforcement action brought by the authority against a discharger for noncompliance if the requirements of 40 CFR 403.16(c) are met.

29.10 *Duties and Authority of Enforcement Officials.* The provisions of this Ordinance shall be enforced by the Board of Trustees or the Administrator when so directed by the Board of Trustees for such purpose. Whenever the Board of Trustees and/or the Administrator shall deem it appropriate to charge a Person with a violation of this Ordinance, he or she shall issue to such Person a notice of violation which shall be processed according to the provisions of I.C. 36-1-6-1 through 36-1-6-4. The Board of Trustees and/or Administrator shall cause to be prepared, in duplicate, suitable serially-numbered forms of such notices of violation and shall issue a supply of them, taking their receipts therefore; provided only that such notice of violation forms shall not be printed until it has been approved by the

District's Attorney or his or her authorized associate. The Administrator shall make a written accounting to the Board of Trustees of his or her disposition of the notice of violation forms issued by him or her. The Administrator shall each month make a written report to the Board of Trustees, with copies to the District's Attorney, of the disposal made of the notice of violation forms issued by them. These reports shall be public records.

#### 29.11 Violations.

29.11.1 Any Person found to be violating or failing to comply with any of the provisions of this Ordinance shall be served by the District with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

29.11.2 Any Person violating any of the provisions of this Ordinance set out above and convicted thereof shall become liable to the District for any expense, loss or damage occasioned by reason of such violation, including, but not limited to, the District's reasonable attorney fees.

29.11.3 Any violation of this Ordinance shall constitute a public nuisance.

29.11.4 Any Person who violated any provisions of this Ordinance which, in the judgment of the Board of Trustees, requires the services of a commercial laboratory shall be liable for all costs of such service.

#### 29.12 Penalties.

29.12.1 Any User violating any provision of this Ordinance shall be subject to the penalties stated herein plus any expenses, loss or damage that may have occurred to the District by reason of the violation, including, but limited to, payment of the District's reasonable attorney fees.

29.12.2 In addition, and except for failure to connect the District's Sewerage System, which said penalties and notice requirements are prescribed in Section 29.12.3, any User continuing any violation or infraction of this Ordinance beyond the time limit set out in the Notice of Violation as provided for in Section 29.10 shall be guilty of an infraction and upon conviction shall be fined in an amount of not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Five Hundred Dollars (\$2,500.00) for the first infraction. A user may be charged up to Seven Thousand Five Hundred Dollars (\$7,500) for subsequent infractions. Each day of which any such violation or infraction continues shall be deemed a separate offense.

29.12.3 A User who fails to connect to the District's Sewerage System after being duly notified in accordance with Section 7.1 shall be subject to the following penalties in accordance with IC 13-26-5-3(9):

- 29.12.3.1 Beginning on the 1<sup>st</sup> day of the first month following the date for connection to be stated in the notice in accordance with Section 7.1 \$5.00 per day;
- 29.12.3.2 Beginning on the 1<sup>st</sup> day of the second month following the date for connection to be stated in the notice in accordance with Section 7.1 \$10.00 per day;
- 29.12.3.3 Beginning on the 1<sup>st</sup> day of the third month following the date for connection to be stated in the notice in accordance with Section 7.1 \$15.00 per day;
- 29.12.3.4 Beginning on the 1<sup>st</sup> day of the fourth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$20.00 per day;
- 29.12.3.5 Beginning on the 1<sup>st</sup> day of the fifth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$25.00 per day;
- 29.12.3.6 Beginning on the 1<sup>st</sup> day of the sixth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$30.00 per day;
- 29.12.3.7 Beginning on the 1<sup>st</sup> day of the seventh month following the date for connection to be stated in the notice in accordance with Section 7.1 \$35.00 per day;
- 29.12.3.8 Beginning on the 1<sup>st</sup> day of the eighth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$40.00 per day;
- 29.12.3.9 Beginning on the 1<sup>st</sup> day of the ninth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$45.00 per day;
- 29.12.3.10 Beginning on the 1<sup>st</sup> day of the tenth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$50.00 per day;
- 29.12.3.11 Beginning on the 1<sup>st</sup> day of the eleventh month following the date for connection to be stated in the notice in accordance with Section 7.1 \$55.00 per day;
- 29.12.3.12 Beginning on the 1<sup>st</sup> day of the twelfth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$60.00 per day;

- 29.12.3.13 Beginning on the 1<sup>st</sup> day of the thirteenth month following the date for connection to be stated in the notice in accordance with Section 7.1 2020 \$65.00 per day;
- 29.12.3.14 Beginning on the 1<sup>st</sup> day of the fourteenth month following the date for connection to be stated in the notice in accordance with Section 7.1 2020 \$70.00 per day;
- 29.12.3.15 Beginning on the 1<sup>st</sup> day of the fifteenth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$75.00 per day;
- 29.12.3.16 Beginning on the 1<sup>st</sup> day of the sixteenth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$80.00 per day;
- 29.12.3.17 Beginning on the 1<sup>st</sup> day of the seventeenth month following the date for connection to be stated in the notice in accordance with Section 7.1 2021 \$85.00 per day;
- 29.12.3.18 Beginning on the 1<sup>st</sup> day of the eighteenth month following the date for connection to be stated in the notice in accordance with Section 7.1 \$90.00 per day;
- 29.12.3.19 Beginning on the 1<sup>st</sup> day of the nineteenth month following the date for connection to be stated in the notice in accordance with Section 7.1 2021 \$95.00 per day;
- 29.12.3.20 Beginning on the 1<sup>st</sup> day of the twentieth month following the date for connection to be stated in the notice in accordance with Section 7.1 and each and every day thereafter \$100.00 per day.

**29.12.4 Waiver.**

The Board of Trustees may waive any cost, charge or penalty incurred under this Section 29.12, upon a determination by a majority vote of the Board of Trustees that said waiver is justified under the facts and circumstances presented to the Board of Trustees. The reasoning for any such waiver shall be uniformly applied to Users.

**29.13 Right of Entry.**

29.13.1 Upon presentation of proper credentials and identification, the Administrator, Inspector and other duly authorized employees of the District shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Administrator or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic,

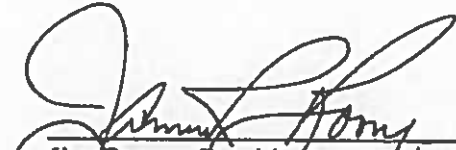
paper or other activities beyond that point having a direct bearing on the kind and source of discharge to the Sewerage System, waterways or facilities for waste treatment.

- 29.13.2 While performing any necessary work on private properties, the Administrator or duly authorized employees of the District shall observe all reasonable safety rules applicable to the premises that have been established by the Owner or User and that the District employees have been informed of by the Owner or User.
- 29.13.3 The Administrator and other duly authorized employees of the District shall be permitted to enter all private properties through which the District holds an Easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage Works lying within said Easement. All entry and subsequent work, if any, on said Easement, shall be done in full accordance with the terms of the Easement pertaining to the private property involved.
- 29.14 *Disconnection for Failure to Pay Rates and/or Charges.* Notwithstanding any other penalty or remedy provided for under this Ordinance or any other ordinance of the District, the District may refuse and disconnect the services of the District's Sewage Works, or any other service of the District, for any User if the rates or other charges are not paid as required under this Ordinance, the Rate Ordinance or any other ordinance or resolution of the District, within thirty (30) days of the District providing notice that the rates and/or charges are past due. The User shall be required to pay for all costs associated with the time and equipment necessary for any disconnection (and reconnection) in accordance with the hourly rates prescribed by the Rate Ordinance.
- 29.15 *Conflict.* No part of this Ordinance shall be interpreted to conflict with Federal, State, or local laws, and all reasonable efforts should be made to harmonize this Ordinance with those laws. Should any section or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.
- 29.16 *Amendment.* The express or implied repeal, restatement or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights of liabilities accrued penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.
- 29.17 *Implementation.* This Ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

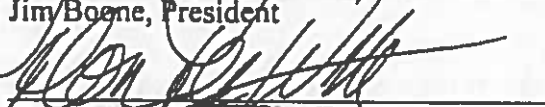
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ALL OF WHICH IS DULY ORDAINED THIS 16<sup>th</sup> DAY OF SEPTEMBER, 2019, BY A VOTE OF \_\_\_ FOR, \_\_\_ AGAINST, AND \_\_\_ ABSTAIN.

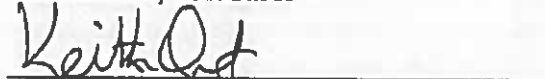
TURKEY CREEK REGIONAL  
SEWER DISTRICT  
BOARD OF TRUSTEES

  
\_\_\_\_\_  
Jim Boone, President

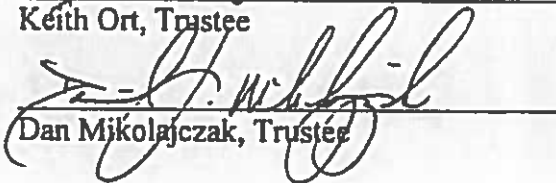
  
\_\_\_\_\_  
Robert Dumford, Vice President

  
\_\_\_\_\_  
Don Dewitt, Treasurer

\_\_\_\_\_  
Rex Heil, Trustee

  
\_\_\_\_\_  
Keith Ort, Trustee

\_\_\_\_\_  
James Young, Trustee

  
\_\_\_\_\_  
Dan Mikolajczak, Trustee