

**HOBART SANITARY DISTRICT BOARD OF COMMISSIONERS**

**Resolution No. 2014- 01**

**A RESOLUTION IMPLEMENTING INDUSTRIAL USER PRETREATMENT  
PROGRAM  
FOR PUBLICLY OWNED TREATMENT WORKS**

WHEREAS, the Hobart Sanitary District ("District") provides wastewater disposal services to its users through an agreement with the Gary Sanitary District ("Gary"); and

WHEREAS, under the terms of the National Pollutant Discharge Elimination System ("NPDES") Permit for Gary's sewage treatment plant issued under the federal Clean Water Act, Gary must not only implement an Industrial User Pre-Treatment Program ("IUTP") for its own users, but must require that its contract communities, such as the District, likewise implement such a program; and

WHEREAS, the IUTP which Hobart is required to implement must be as stringent as Gary's program, and must be approved in the manner required by law by both state and federal regulatory agencies; and

WHEREAS, the District has reached agreement with Gary on the administration of the IUTP for Hobart, and has agreed to apply Gary's IUTP program document to Hobart's industrial users, said document being attached hereto and made a part hereof as Exhibit "A;" and

WHEREAS, the Industrial Pre-treatment Program Agreement between the District and Gary is likewise attached hereto and made a part hereof as Exhibit "B;" and

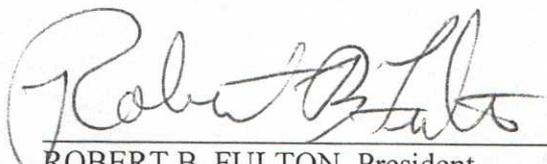
WHEREAS, the Board of Commissioners of the District desires to approve the Gary program document and the Industrial Pre-treatment Program Agreement and to make them effective with respect to industrial users of the District through this Resolution.

BE IT, THEREFORE, RESOLVED by the Board of Commissioners of the Hobart Sanitary District that:

1. The "Resolution Implementing Industrial User Pretreatment Program for Publicly Owned Treatment Works (*hereinafter*, POTW)" attached hereto and made a part hereof as Exhibit "A," is adopted, approved and made effective according to its terms, and that said Exhibit amends and supplements the District's prior rules, regulations and resolutions governing sewer use and construction within the wastewater disposal service territory served by the District.

2. The Industrial Pretreatment Program Agreement by and between the District and Gary attached hereto and made a part hereof as Exhibit "B," is adopted, approved and made effective according to its terms.

ALL OF WHICH is adopted as the Resolution of the Hobart Sanitary District Board of Commissioners on this 12<sup>th</sup> day of November, 2014.

  
\_\_\_\_\_  
ROBERT B. FULTON, President

ATTEST:   
\_\_\_\_\_  
PHIL GRALIK, P.E., Secretary

EXHIBIT "A"

Hobart Draft No.2 August 26, 2014

1                   **INDUSTRIAL PRETREATMENT PROGRAM AGREEMENT**  
2                                   **by and between**  
3                                   **GARY SANITARY DISTRICT**  
4                                                   **and**  
5                                   **HOBART SANITARY DISTRICT**  
6

7           THIS AGREEMENT IS MADE and entered into by and between the GARY  
8   SANITARY DISTRICT ("Gary"), a special taxing district and political subdivision of the State  
9   of Indiana located in Lake County, and the CITY OF HOBART SANITARY DISTRICT  
10 ("Hobart"), a special taxing district and political subdivision of the State of Indiana also located  
11 in Lake County.  
12

13           WHEREAS, GARY owns and operates a legally permitted Publicly Owned Treatment  
14 Plant ("POTW") and is required by law to establish, implement and enforce an Industrial  
15 Pretreatment Program approved by the United States Environmental Protection Agency ("EPA")  
16 and/or the Indiana Department of Environmental Management ("IDEM"); and  
17

18           WHEREAS, HOBART is a POTW that renders wastewater collection and disposal  
19 service to domestic and non-domestic Users within a service territory including most of the City  
20 of Hobart and a small portion of the City of Lake Station in Lake County, and a small area of  
21 Union Township, Porter County (Wheeler); and  
22

23           WHEREAS, HOBART transmits its wastewater through sewers owned in part by Hobart  
24 and in part by GARY for treatment at Gary's POTW pursuant to a *Sewage Treatment Agreement*  
25 by and between the City of Gary Sanitary District and the City of Hobart dated July 10, 1984;  
26 and  
27

28           WHEREAS, certain businesses and other facilities in the HOBART service area are  
29 classified as "Industrial Users" under applicable water quality control laws of the State of  
30 Indiana or the United States and may have the potential to discharge industrial wastewater or  
31 conventional pollutants in sufficient quantity as to have a potential for affecting GARY's  
32 POTW; and  
33

34           WHEREAS, HOBART desires to enter into an agreement with GARY to provide for the  
35 implementation and enforcement of an approved Industrial Pretreatment Program within the  
36 service territory of HOBART; and  
37

38           WHEREAS, GARY and HOBART must implement and enforce an approved  
39 pretreatment program to control discharges from all Industrial Users into GARY's and  
40 HOBART's POTWs pursuant to requirements set out in all applicable statutes, administrative  
41 codes, rules, regulations, ordinances and resolutions; and

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42  
43 WHEREAS, HOBART, acting through its Board of Commissioners, has approved and  
44 adopted a resolution which subjects Industrial Users operating within HOBART's wastewater  
45 disposal service territory to required Federal and State pretreatment controls, the City of Gary  
46 Sewer Use Ordinance and provides procedures for implementation and enforcement of an  
47 Industrial Wastewater Pretreatment Program; and,  
48

49 WHEREAS, said resolution implementing the POTW Industrial User Pretreatment  
50 Program in Hobart is no less stringent and is as broad in scope as the Industrial Wastewater  
51 Pretreatment portions of the Sewer Use Ordinance of the City of Gary; and,  
52

53 WHEREAS, the operative provisions of HOBART's resolution and Gary's Sewer Use  
54 Ordinance are intended to be incorporated and are incorporated herein by reference..  
55

56 NOW, THEREFORE, GARY and HOBART, in consideration of the mutual covenants,  
57 terms and conditions stated herein, and intending themselves to be legally bound, agree as  
58 follows:  
59

60 **Section 1. Definitions.** Unless the context specifically indicates otherwise, the  
61 following terms and phrases, as used in this Agreement, shall have the meanings hereinafter  
62 designated:  
63

64 *Definitions from HOBART Ordinance No. 2014- \_\_\_ Incorporated by Reference.* The  
65 ninety-three (93) definitions contained in Section I(C) of "HOBART's Resolution  
66 Implementing Industrial User Pretreatment Program for Publicly Owned Treatment  
67 Works" are hereby specifically incorporated by reference in this agreement as if fully  
68 restated herein..  
69

70 "CFR" means the Code of Federal Regulations.  
71

72 "Collection System" shall mean the system of local sewers necessary to accept effluent  
73 from individual residences, businesses and industries throughout GARY or HOBART.  
74

75 "Compliance Schedule" means a schedule of remedial measures including an enforceable  
76 sequence of actions or operations leading to compliance with water quality standards,  
77 USEPA effluent limitation or other limitation, prohibition or standard.  
78

79 "Control Authority" means the local authority responsible for implementation and  
80 enforcement of the approved pretreatment program. For the purpose of execution of this  
81 Agreement, the Control Authority is HOBART and/or GARY.  
82

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83 "Effluent Limitation" means any restriction on quantities, quality, rates and concentration  
84 of chemical physical, thermal, biological, and other constituents or pollutants.  
85

86 "Flow" shall mean the gallons of liquid effluent transmitted or received.  
87

88 "Ordinance" means the ordinance, resolution, or other local rules regulating use of and  
89 discharge into the POTW, including but not limited to GARY's sewer use ordinance.  
90

91 "Special Administrator" means the individual having full power and authority to control,  
92 manage and operate the complete GARY POTW and vested with the power and authority  
93 as provided under Rule 70 of the Federal Rules of Civil Procedure to perform any act  
94 necessary to achieve expeditious compliance with GARY's Federal Consent Decree and  
95 GARY's NPDES permit. For purposes of this Agreement, this individual is the current  
96 Mayor of the City of Gary.  
97

98 "USEPA" means the United States Environmental Protection Agency.  
99

100 "Violations of Pretreatment Standards and Regulations" A separate violation of the  
101 pretreatment rules shall be established for each separate occurrence of the following, but  
102 shall not be limited to:  
103

104 (a) The indirect discharge of pollutants in contravention of  
105 an applicable pretreatment standard or other applicable discharge  
106 limitation;  
107

108 (b) Where an Industrial Wastewater Pretreatment Permit is  
109 required under "HOBART's Resolution Implementing Industrial  
110 User Pretreatment Program for Publicly Owned Treatment Works"  
111 or GARY's pretreatment related ordinances; the indirect discharge  
112 of pollutants by an Industrial User without such a permit or in  
113 violation of discharge limitations or other terms and conditions of  
114 the permit;  
115

116 (c) Failure to comply with any other applicable  
117 pretreatment requirement; or,  
118

119 (d) Failure to allow entry, inspection and monitoring by  
120 GARY, HOBART or IDEM personnel when requested in  
121 accordance with applicable law or to carry out monitoring,  
122 recording and reporting required under Indiana's Pretreatment  
123 rules.

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124  
125 Each violation of (a) through (b) of the above paragraphs shall constitute a  
126 separate violation. Further, each day's violation shall constitute a separate  
127 offense.  
128

129 "Wastewater" means the liquid and water-carried wastes from dwellings, commercial  
130 buildings, industrial facilities, and institutions.  
131

132 **Section 2. Application of Gary Program.** The parties hereby agree that the  
133 requirements of the approved Industrial Pretreatment Program for GARY will apply to Industrial  
134 Users of HOBART and that GARY will assist HOBART with the implementation and  
135 enforcement of the HOBART Industrial Pretreatment Program, subject to the terms of this  
136 Agreement and all Federal, State, and local requirements, including the following covenants and  
137 conditions.  
138

139 **Section 3. Legal Authority.** In order to ensure compliance with its Federal Consent  
140 Decree and NPDES permit, GARY reserves the legal authority and right to permit, inspect and  
141 take enforcement action against industrial users in the service territory of the Hobart Sanitary  
142 District. This Agreement authorizes GARY and HOBART, through HOBART, to:  
143

- 144 a) Deny or condition Industrial Users' new or increased contributions of pollutants,  
145 or changes in the nature of pollutants, to the HOBART POTW which ultimately  
146 are conveyed to the GARY POTWs;  
147  
148 b) Regulate the discharge of pollutants that could interfere with the reclamation or  
149 disposal of wastewater or sludge, cause the GARY POTW Treatment Plant to  
150 exceed GARY's NPDES effluent limitations, or cause pass-through of pollutants  
151 to the receiving stream;  
152  
153 c) Prohibit unauthorized or unpermitted discharges to HOBART's POTW and  
154 subsequently GARY's POTW;  
155  
156 d) Require HOBART's Industrial Users to comply with applicable Pretreatment  
157 Standards and requirements including, but not limited to, the HOBART and  
158 GARY Sewer User Ordinances;  
159  
160 e) Prohibit the discharge of pollutants into HOBART's POTW that could interfere  
161 with or inhibit the biological treatment processes of the GARY POTW Treatment  
162 Plant or cause pass-through to the receiving stream;  
163  
164 f) Enforce the Federal and State Categorical Pretreatment Standards regarding

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- 165 prohibited discharge standards which are incorporated by reference into the  
166 "HOBART's Resolution Implementing POTW Industrial User Pretreatment  
167 Program";  
168
- 169 g) Require each of HOBART's Industrial Users to develop a compliance schedule  
170 for the installation of technology required to meet applicable pretreatment  
171 standards and requirements and to submit all notices and self-monitoring reports  
172 as are necessary to assess and assure compliance;  
173
- 174 h) Enforce, through and by HOBART, HOBART's Resolution Implementing POTW  
175 Industrial User Pretreatment Program for Publicly Owned Treatment Works as  
176 specified in Section II (O) of the HOBART Resolution;  
177
- 178 i) Recover from a violating HOBART Industrial User the cost of damages to  
179 GARY's POTW, HOBART's POTW, or the environment; any fines, penalties or  
180 legal fees resulting from GARY's NPDES or any other POTW permit violations;  
181 and other actual costs incurred by GARY or HOBART as a result of the Industrial  
182 User's discharge;  
183
- 184 j) Immediately and effectively halt or prevent any discharge of pollutants to  
185 HOBART's POTW and subsequently GARY's POTW which reasonably appears  
186 to present an imminent endangerment to the health or welfare of persons;  
187
- 188 k) Halt or prevent any discharges to the HOBART POTW and subsequently the  
189 GARY POTW which presents or may present an endangerment to the  
190 environment or which threatens to interfere with the operation of HOBART's or  
191 GARY's POTW;  
192
- 193 l) Annually publish in the largest local newspaper a list of the Industrial Users  
194 which have been in Significant Noncompliance during the twelve (12) previous  
195 months. The notification shall also summarize any enforcement actions taken  
196 against the Industrial User during the same twelve (12) months;  
197
- 198 m) Update the Industrial Waste Survey for all existing and potential Industrial Users  
199 on an annual basis;  
200
- 201 n) Control, through permit, order or similar means, the Industrial User's contribution  
202 to HOBART's POTW and subsequently the GARY POTW;  
203
- 204 o) Conduct on-site inspections, sampling, and analysis of HOBART's Industrial  
205 Users' wastewater necessary to determine compliance and noncompliance with

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206 Pretreatment Requirements;

- 207
- 208 p) Perform, only through the HOBART enforcement activities in accordance with  
209 HOBART's Resolution Implementing POTW Industrial User Pretreatment  
210 Program and a USEPA approved Enforcement Response Guide; and,
- 211
- 212 q) Perform other technical or administrative duties required by any applicable  
213 Federal or State approved Industrial Pretreatment Program.
- 214

215 **Section 4. Identification of Users.** Within ninety (90) days of the effective date of  
216 this Agreement, HOBART will provide to GARY written procedures for notifying GARY of  
217 potential new Industrial Users within the HOBART service territory. Such procedures shall  
218 require HOBART to provide GARY with written notice of any and all Industrial Users proposing  
219 to connect to the HOBART's POTW prior to connection so that HOBART may provide the new  
220 Industrial Users with an Industrial Waste Survey Questionnaire. Before any new Industrial User  
221 located outside the service territory of the HOBART discharges into HOBART's POTW, GARY  
222 and HOBART will enter into an Agreement with the jurisdiction in which such Industrial User is  
223 located. Such Agreement shall be substantially equivalent to this Agreement and must be fully  
224 secured prior to a discharge from any new Industrial User outside of HOBART's jurisdiction to  
225 the HOBART POTW.

226

227 In the instance where an existing Industrial User is located outside the service territory of  
228 HOBART, but discharges into HOBART's sewer system, GARY and HOBART will enter into  
229 an Agreement with the jurisdiction in which such Industrial User is located. Such Agreement  
230 shall establish responsibility for the pretreatment program for that industry and be substantially  
231 equivalent to this Agreement.

232

233 **Section 5. Fees.** This section authorizes GARY to establish reasonable charges and  
234 fees applicable to Industrial Users in Hobart's service territory for GARY's Industrial User  
235 Pretreatment Program- related activities required by and covered by this Agreement. HOBART  
236 will charge and collect such reasonable fee and charges from HOBART's Industrial Users.

237

238 The HOBART Industrial User Pretreatment Program Fee Schedule established by agreement  
239 between GARY and HOBART, which is attached to this Agreement and marked as Exhibit "A,"  
240 establishes GARY's reasonable charges and fees. HOBART will bill and collect GARY's fees  
241 described in Exhibit "A" from HOBART's Industrial Users and forward said fees to GARY to  
242 defray the cost of GARY's activities required to assist in the implementation of HOBART's  
243 Industrial User Pretreatment Program. The fees described in Exhibit "A" allow GARY to  
244 recover the following costs, at a minimum:

245

- 246 a) GARY's reasonable costs extended to process HOBART's "Industrial

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- 247 Wastewater Pretreatment Permit" applications for new, renewed, or modified  
248 Permits;
- 249
- 250 a) GARY's reasonable fees for reviewing accidental spill prevention plans and  
251 construction facilities;
- 252
- 253 b) GARY's reasonable fees for monitoring and/or analysis of HOBART's Industrial  
254 Users' discharges;
- 255
- 256 c) GARY's reasonable fees for any necessary on site inspection of HOBART's  
257 Industrial Users' facilities; and,
- 258
- 259 d) Such other reasonable fees as the GARY and HOBART may agree from time to  
260 time are necessary to carry out requirements of GARY's and HOBART's  
261 approved Industrial Pretreatment Program.
- 262

263 GARY will provide HOBART with results of all GARY's monitoring and sampling efforts  
264 conducted on each HOBART Industrial User.

265

266 GARY shall give HOBART prior written notice of any demand for an increase in "GARY's  
267 HOBART Industrial User Pretreatment Program Fee Schedule" (i.e., Exhibit "A"), which must  
268 actually be received by HOBART at least 60 days prior to the date GARY proposes that  
269 HOBART adopt said changes. No fee increase shall be effective absent a mutual agreement of  
270 GARY and HOBART.

271

272 **Section 6. GARY Recovery of Costs for HOBART's Industrial Users' Violations**  
273 **of Pretreatment Requirements.** Section II (O)(1) of HOBART's Resolution Implementing  
274 Industrial User Pretreatment Program for Publicly Owned Treatment Works provides for a  
275 HOBART Administrative Surcharge to be imposed on any Industrial User for violating  
276 HOBART's Pretreatment Standards and Regulations. Additionally, said section authorizes  
277 GARY to recover actual costs incurred for consequences resulting from HOBART's Industrial  
278 Users who discharge wastewater into HOBART's POTW, and subsequently GARY's POTW, in  
279 violation of any Federal, State or local Pretreatment Requirements.

280

281 For each and every such violation or discharge that adversely impacts the environment or the  
282 receiving waters, and/or GARY's POTW, GARY may recover GARY's actual costs associated  
283 with the clean up, repair, recovery or any other activity required caused by the impact of the  
284 violation or discharge. Such GARY costs shall be recovered directly from HOBART's Industrial  
285 User. Such GARY actual costs shall include, but not be limited to:

286

- 287 a) The actual costs of any labor required to monitor, test, repair, clean up, pick up,

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- 288 vacuum, sweep, or in any other way recover from the violation or discharge and  
289 to return the affected GARY facility(ies) to the conditions required by permit;  
290  
291 b) The actual costs of any outside services billed to GARY and/or its representatives  
292 for any services, monitoring, testing, repairs, clean up, pumping, recording,  
293 containment work, or other activity required in assisting the GARY to return the  
294 affected GARY facility(ies) to the conditions required by permit;  
295  
296 b) The actual costs of any necessary materials, supplies, parts, and/or equipment  
297 expended by GARY and/or its representatives for any services, monitoring,  
298 testing repairs, clean up, pumping, recording, containment work, or other activity  
299 engaged in assisting GARY to return the affected GARY facility(ies) to the  
300 conditions required by the permit;  
301  
302 c) The actual costs of any necessary services related to the violation or discharge  
303 provided to GARY by any public agency; and  
304  
305 d) The actual amount of any fines, penalties, administrative fees, judgments and/or  
306 settlements against GARY or its representatives resulting solely from the  
307 violation or discharge by a Hobart Industrial User whether imposed, adjudicated,  
308 negotiated or required by any legal means, but not including any such amount  
309 solely caused by the discharges or acyivies of others who are not Hobart  
310 Industrial Users.  
311

312 The above costs shall be limited to all reasonable and necessary costs, which shall be calculated  
313 by GARY from the records, reports, documents and/or invoices submitted by the contractors,  
314 vendors, suppliers, agencies and/or claimants and verified by legal counsel to the GARY.  
315 GARY's costs assessed against HOBART's Industrial Users shall in all cases be limited to  
316 reasonable and necessary costs actually incurred by GARY.  
317

318 GARY shall Invoice HOBART's violating or discharging Industrial Users through HOBART for  
319 these costs as they are developed and submitted. An Industrial User's payment of such costs  
320 shall be due thirty (30) days after HOBART mails or delivers a copy of said Invoice to such  
321 Industrial User. Said Industrial User shall pay interest at a rate not to exceed eight percent (8%) ,  
322 *per annum*, compounded annually, on the unpaid balance, beginning on the day after final  
323 payment is due from said Industrial User. Upon HOBART's receipt of any monies paid by an  
324 HOBART Industrial User pursuant to such an Invoice from GARY, HOBART shall pay over to  
325 Gary such funds as are paid by the User from the Gary invoice as soon as practicable.  
326

327 GARY shall provide HOBART with copies of all notices which it desires to be sent to  
328 HOBART's Industrial Users, including, but not limited to, Industrial Waste Surveys, notices of

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329 violations, penalties and fees to be assessed, or inspection and monitoring activities. HOBART  
330 shall forward such notices, etc., by first class U.S. Mail to HOBART's Industrial Users within  
331 ten (10) days of HOBART's receipt of said notices from GARY.  
332

333 These costs shall be in addition to and in no way a limitation of any remedies and fines available  
334 under GARY's sewer use ordinance and "HOBART's Resolution Implementing Industrial User  
335 Pretreatment Program for Publicly Owned Treatment Works".  
336

337 **Section 7. Disclosure of Records.** HOBART shall have the right, through  
338 designated representatives, at any reasonable time, to review the records maintained by GARY  
339 of all information resulting from any monitoring activities required by the approved Industrial  
340 Pretreatment Program and pertaining to Industrial Users of HOBART's POTW. GARY shall  
341 supply contemporaneously to HOBART, a copy of any reports submitted to the Indiana  
342 Department of Environmental Management on the compliance status of each Industrial User  
343 discharging into HOBART's POTW and a description of corrective or enforcement action that  
344 have or will be taken to resolve any violations. The parties shall each supply to the other,  
345 contemporaneously, all reports or results of any testing or monitoring performed by or at the  
346 request of that party on any Hobart Industrial User. In the event HOBART elects to have GARY  
347 implement the Program, HOBART shall cooperate with the exchange of information and access  
348 to relevant locations and GARY agrees to disclose records associated with its program  
349 implementation activities.  
350

351 **Section 8. Compliance with Rules, Regulations, Standards, and Laws.** HOBART  
352 and GARY shall comply with any and all statutory rules and regulation applicable to this  
353 Agreement and any amendments.  
354

355 **Section 9. Annual Meeting.** Unless the parties otherwise agree to forego same, their  
356 respective Boards of Commissioners, and/or their designees, shall meet annually in joint public  
357 session, upon a date and at a place agreeable to the parties, during the period from January 1  
358 through June 30, for the purpose of reviewing matters of interest to all parties, including, but not  
359 limited to, revision of this Agreement to ensure compliance with the Federal Clean Water Act  
360 (42 U.S.C. § 1251 *et seq.*) and the rules and regulations issued thereunder (40 CFR Part 403), as  
361 necessary.  
362

363 **Section 10. Notices.** Any notices required or desired to be given under this  
364 Agreement may be served personally or by mail. Any notice given by mail shall be deemed to  
365 have been served upon receipt or upon certified mailing. At the date of execution of this  
366 Agreement, GARY's address is 3600 W. 3rd Avenue, Gary, Indiana, Attention: Director,  
367 HOBART's official address is 414 Main Street, Hobart, Indiana 46342 Attn: President, HSD  
368 Board of Commissioners.  
369

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370       **Section 11. Benefits.** All of the provisions of this Agreement shall inure to the benefit  
371 of, and shall be binding upon, the Parties' successors and assigns.

372  
373       **Section 12. Severability.** If any provision of this Agreement is determined to be  
374 unenforceable by any court of competent jurisdiction, the remaining provisions shall not be  
375 affected and shall continue in full force and effect to the extent practicable..  
376

377       **Section 13. Conflicts.** All other Agreements and parts of other Agreements between  
378 the parties inconsistent with or conflicting with any part of this Agreement are hereby deemed  
379 amended to the extent of such inconsistency or conflict.  
380

381       **Section 14. Entire Agreement.** This instrument constitutes the entire agreement of  
382 the parties pertaining to the Industrial Pretreatment Program between them and shall supersede  
383 all previous Agreements and/or contracts pertaining to any Industrial Pretreatment Program.  
384 Terms not otherwise defined herein shall be adopted from the latest edition of "Standard  
385 Methods for the Examination of Water and Wastewater," published by the American Public  
386 Health Association, the American Water Works Association and the Water Environment  
387 Federation; from the Clean Water Act, 33 U.S.C. Part 1252 *et seq.*, and the Code of Federal  
388 Regulations, Title 40 Part 403.  
389

390       **Section 15. Effective Date.** This Agreement shall take effect upon its execution and  
391 approval by the parties, and upon receipt of the final approval by the last regulatory agency  
392 legally required.  
393

394       **Section 16. Termination; Term of Agreement.** HOBART may terminate this  
395 Agreement upon giving GARY thirty (30) days written notice of its intention to do so and  
396 provided that HOBART has an approved Industrial Pretreatment Program ready for  
397 implementation that is, at a minimum, equally as stringent as GARY's approved Industrial  
398 Pretreatment Program. Notice shall include the effective date of such termination. All  
399 administrative fees due GARY under the terms of this Agreement shall be due and payable  
400 within thirty (30) days from the effective date of termination.  
401

402       **Section 17. Execution in Counterparts.** This Agreement may be executed in  
403 counterparts, such that, each party may sign separate identical copies of this agreement and all  
404 such signed copies by all parties, taken together, shall constitute a single executed instrument.  
405

406       IN WITNESS WHEREOF, the parties have executed this agreement on the dates  
407 indicated below.  
408  
409  
410

EXHIBIT "A"

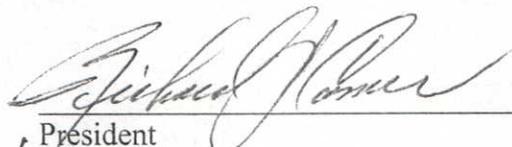
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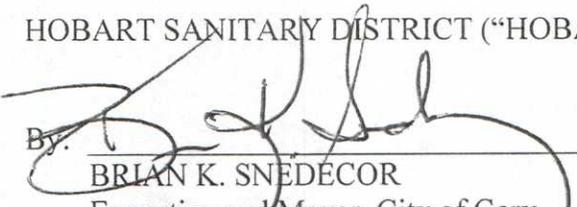
GARY SANITARY DISTRICT ("GARY")

By:   
KAREN FREEMAN-WILSON  
Special Administrator and Mayor, City of Gary

ADOPTED and APPROVED by the Board of Commissioners of the Gary Sanitary District on this 15 day of DECEMBER 2014.

ATTEST:  Secretary  
 President

HOBART SANITARY DISTRICT ("HOBART")

By:   
BRIAN K. SNEDECOR  
Executive and Mayor, City of Gary

ADOPTED and APPROVED by the Board of Commissioners of the Hobart Sanitary District on this 12 day of NOVEMBER 2014.

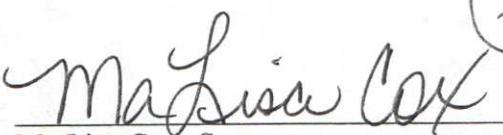
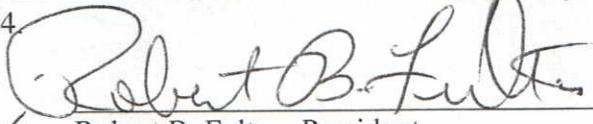
ATTEST:  Ma Lisa Cox, Secretary  
 Robert B. Fulton, President

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Resolution Implementing Hobart Industrial User Pretreatment Program for  
Publicly Owned Treatment Works

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## SECTION I

### GENERAL PROVISIONS

#### A. PURPOSE AND POLICY

This resolution sets forth uniform requirements for discharges into the Hobart Sanitary District (*hereinafter*, HSD) Wastewater Collection System which eventually discharges through the Gary Sanitary District (*hereinafter*, GSD) Collection System and into GSD Wastewater Treatment Plant. These requirements enable the HSD to protect public health, insure a sound sewer infrastructure system in the future, and comply with all applicable local, state and federal laws relating thereto. In achieving these objectives, the HSD can contract with the GSD to assist the HSD with the implementation of the HSD's INDUSTRIAL WASTEWATER PRETREATMENT PROGRAM.

#### B. OBJECTIVES

1. To prevent the introduction of pollutants into the HSD's and the GSD's Wastewater Collection Systems which will interfere with the normal operation of the GSD Wastewater Treatment Plant or contaminate the resulting municipal sludge;
2. To prevent the introduction of pollutants into the Districts wastewater collection systems which do not receive adequate treatment in the GSD Wastewater Treatment Plant, and which will pass through the plant into receiving waters or the atmosphere;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. To prevent the introduction of infiltration and inflow into the HSD's and GSD's collection systems which will occupy capacity reserved for community growth.
5. To provide for the regulation of discharges into the HSD's and GSD's wastewater systems through the issuance of industrial discharge permits, the execution of inter-jurisdictional agreements, and the enforcement of administrative regulations.

In furtherance of these objectives, this resolution details the general regulation of discharges to public sewers, the issuance of discharge permits for industrial users of the system, and the enforcement of all applicable local, state, and federal laws and regulations required by the Clean Water Act, General Pretreatment Regulations (40 CFR Part 403), and consistent with the GSD's Enforcement Response Guide.

#### C. DEFINITIONS

As used in this resolution the following terms shall have the meanings ascribed to them in this part unless the context specifically indicates otherwise;

1. **"ASTM"** shall mean the American Society for Testing and Materials.
2. **"ACT"** shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251 et. seq., also known as the Clean Water Act.
3. **"Administrator" or "Approval Authority"** shall mean the regional administrator of the U.S. Environmental Protection Agency (USEPA) or the Commissioner of the Indiana Department of Environmental Management (IDEM).
4. **"Ammonia Nitrogen"** shall mean the concentration, expressed in milligrams per liter (mg/l) of nitrogen that is in the ammonia form. Determination of ammonia nitrogen shall be in accordance with 40 CFR Part 136.
5. **"Approved POTW pretreatment program" or "program" or "POTW pretreatment program"** means a program administered by a POTW that meets the criteria established in 327 IAC 5-19-3) and which has been approved by the IDEM Commissioner in accordance with 327 IAC 5-19-4 and 327 IAC 5-19-5.
6. **"Authorized Representative of Industrial User"** shall mean:
  - (a) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; or
  - (b) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or
  - (c) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
7. **"Board"** shall mean the HSD's Board of Commissioners.
8. **"Biochemical Oxygen Demand - Total (tBOD)"** shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter (carbonaceous component) by aerobic biochemical action under standard laboratory procedures for five (5) days at 20\_ Celsius using USEPA approved procedures in accordance with 40 CFR 136.
9. **"Building Drain"** shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from solid waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet (1.5 meters) outside the inner face of the building wall.

10. **"Building Sewer"** shall mean the extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way.

11. **"Bypass"** shall mean the intentional diversion of wastestreams from any portion of an Industrial User's treatment facility and consistent with the language contained in CRF Pat 403.17.

12. **"Categorical Industrial User"** shall mean an industry whose effluent is regulated under 40 CFR 403.6.

13. **"Categorical Pretreatment Standard"** shall mean any regulation containing pollutant discharge limits promulgated by USEPA in accordance with section 307 (b) and (c) of the Act which apply to a specific category of Industrial Users and which appear in the appropriate subpart of 40 CFR Chapter I, Subchapter N.

14. **"Carbonaceous Biochemical Oxygen Demand (cBOD)"** - measures the quantity of oxygen utilized in the biochemical oxidation of organic or carbon compounds while inhibiting the nitrogenous oxygen demand under standard laboratory conditions and by using standard laboratory analytical procedures, in accordance with 40 CFR 136, in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter (mg/l).

15. **"Combined Sewer"** shall mean a sewer designed to carry both sanitary wastewater and storm or surface-water runoff.

16. **"Compatible Pollutants"** shall mean wastewater having or containing (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) fecal coliform bacteria, or (e) additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the State or Board. It is further clarified that conventional pollutants as identified by the USEPA pursuant to Section 304 (a)(4) of the Act in a form which causes interference with the POTW operations shall be considered non-compatible.

17. **"Composite Sample"** shall mean a twenty-four (24) hour composite sample containing a minimum of twelve (12) discrete samples taken at equal time intervals over the composting period or proportional to the flow rate over the composite sampling period. More than the minimum number of discrete samples will be required in order to determine the average conditions during the composite sampling period when the wastewater loading is highly variable.

18. **"Control authority"** shall mean the HSD and GSD, since they are POTWs (See, #64 below) with approved Industrial Pretreatment Programs; see, 327 IAC 5-17-5.

19. **"Direct Discharge"** shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

20. **"Directors"** shall mean the five (5) members of the Board of Commissioners of the Hobart Sanitary District.

21. **"Discharge Report"** shall mean the discharge monitoring report required by the Industrial Wastewater Discharge Permit describing, through representative sampling and measurements performed in accordance with 40 CFR 136, the nature of the monitored effluent discharge of an Industrial User.

22. **"District"** shall mean the Hobart Sanitary District (hereinafter, HSD), and the five (5) member Board of Directors thereof, Lake County, Indiana. Any reference to "District" or "HSD" shall mean all properly annexed territory within the perimeter of the District's boundaries or under the HSD's ad valorem taxing jurisdiction.

23. **"District Sewer"** shall mean a sewer owned and operated by the HSD.

24. **"Domestic Wastewater"** shall mean wastewater of the type commonly introduced into a wastewater treatment system by residential users.

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

26. **"USEPA"** shall mean the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

27. **"Foundation Drains"** shall mean any network of pipes, pumps or drainage mechanisms located at, or under a footing, foundation or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

28. **"Garbage"** shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce, meat, fish, seafood, fowl and condemned food.

29. **"Gary Sanitary District"** shall mean the Sanitary District of the City of Gary commonly known as the Gary Sanitary District (hereinafter, GSD), and the Board of Commissioners thereof, Lake County, Indiana. Any reference thereto shall mean all territory within the perimeter of the GSD's boundaries or under its jurisdiction.

30. **"General Pretreatment Regulations"** shall mean 'General Pretreatment Regulations for Existing and New Sources', 40 CFR Part 403, as amended. See also,

Title 327 IAC, Article 5, *et seq.*

31. **"Grab Sample"** shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

32. **"Groundwater Remediation Discharge"** shall mean the discharge or introduction of contaminated groundwater originating from an approved groundwater remediation project into the wastewater treatment system.

33. **"Heat Pump Discharge"** shall mean water discharged from a heat pump or other device that uses water as a heat source or heat sink.

34. **"IDEM"** shall mean the Indiana Department of Environmental Management.

35. **"Indirect Discharge"** shall mean the discharge or the introduction of nondomestic pollutants from any source regulated under section 307 (b),(c), or (d) of the Act (33 U.S.C. 1317), into the wastewater treatment system (including holding tank waste discharged into the system).

36. **"Industrial Pretreatment Department"** shall mean the department of GSD or its representatives that is responsible for implementation of the Industrial Pretreatment Program for GSD.

37. **"Industrial User (IU)"** shall mean any user of the wastewater treatment system who discharges, causes or permits the discharge of non-domestic wastewater into GSD's wastewater treatment system.

38. **"Industrial Waste"** shall mean all solid, liquid or gaseous waste resulting from any commercial, industrial, manufacturing, agricultural, trade or business operation or process or from the development, recovery or processing of natural resources.

39. **"Industrial Wastewater"** shall mean a combination of liquid and water-carried waste discharged from any industrial establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water.

40. **"Infiltration"** shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, pipe connections and manholes or from drainage pipe constructed to remove groundwater from areas such as building foundations and farm fields.

41. **"Inflow"** shall mean the storm and surface water entering directly into the sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins, or storm water inlets.

42. **"Interference"** shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, either:

(a) Inhibits or disrupts the GSD's Wastewater Treatment Plant, its treatment processes or operations, or its sludge processes, use or disposal; or

(b) Causes of a violation of any requirement of the GSD's NPDES permit (including an increase in the magnitude or duration of a violation) or prevents sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, or the Marine Protection, Research and Sanctuaries Act.

43. **"Lift Station"** shall mean any arrangements of pumps, valves and controls that lifts wastewater to a higher elevation.

44. **"Maximum Daily Discharge Concentration"** shall mean the highest allowable daily discharge for any calendar day during a calendar month based upon the type of sample (e.g. grab, 24-hour composite) required under this Resolution, HSD issued discharge permit, or categorical pretreatment standard promulgated by USEPA.

45. **"Medical Wastes"** shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes or any other waste resulting from the provision of medical treatment.

46. **"NH3-N"** shall mean the same as ammonia nitrogen measured as ammonia.

47. **"National Pollutant Discharge Elimination System" or "NPDES"** shall mean the national program for issuing, modifying, revoking and reissuing, terminating, denying, monitoring, and enforcing permits for the discharge of pollutants from point sources and imposing and enforcing pretreatment requirements by the EPA or an authorized state under Sections 307, 318, 402, and 405 of the Clean Water Act.

48. **"NPDES Permit"** shall mean a permit issued to a POTW (See, #64 below) under the National Pollutant Discharge Elimination System for the discharge of wastewaters to the navigable waters of the United States. See, Section 402 of the Act.

49. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

50. **"New Source"** shall mean:

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

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

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

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

(b) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of 40(a)(ii), or 40(a)(iii) of the instant numbered paragraph but otherwise alters, replaces, or adds to existing process or production equipment.

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

(i) Begun, or caused to begin as part of a continuous onsite construction program:

(1) Any placement, assembly, or installation of facilities or equipment; or

(2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of facilities or equipment; or

(ii) Entered into a binding contractual obligation for the purchase of

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

51. **"Noncontact Cooling Water"** shall mean the water used for cooling which does not come into direct contact with raw material, intermediate product, waste product, or finished product.

52. **"Nonindustrial User"** shall mean all users of the wastewater treatment system not included in the definition of "Industrial User".

53. **"Pass Through"** shall mean a discharge which exits the POTW (See, #64 below) into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of GSD's NPDES permit, including an increase in the magnitude or duration of violation.

54. **"Permit"** means any written authorization, license, or equivalent document issued By USEPA, IDEM or a POTW to regulate the discharge of pollutants, the construction of water pollution treatment or control facilities, or land application of sludge or waste products.

55. **"Person"** shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, governmental agency, including but not limited to, the United States of America, the State of Indiana and all political subdivision authorities, districts, departments, agencies, bureaus, and instrumentalities thereof, or any other legal entity.

56. **"pH"** shall mean the negative logarithm of the concentration of hydrogen ions in solution.

57. **"Phosphorus"** shall mean the concentration, expressed in milligrams per liter (mg/l), of Total Phosphorus derived through acid hydrolysis of the sample conducted in accordance with 40 CFR 136.

58. **"Pollutant"** means, but is not limited to dredged spoil, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, solid wastes, toxic wastes, hazardous substances, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2011, *et seq.*), heat, wrecked or discarded equipment, rock and sand, cellar dirt; and other industrial, municipal, and agricultural waste discharged into water.

59. **"Pollution"** shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

60. **"Pretreatment or Treatment"** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW (See, #64 below). The reduction or alteration can be obtained by physical, chemical or biological processes, or process changes or other means, except by dilution or as prohibited by 40 CFR Part 403.6(d) and 327 IAC 5-12-3(e).

61. **"Pretreatment Standard or Regulation"** shall mean any substantive or procedural requirement related to pretreatment contained in this ordinance, permit or any local, state, or federal regulations.

62. **"Pretreatment Requirements"** shall mean any substantive or procedural requirement related to Pretreatment other than a Pretreatment Standard, imposed on an Industrial User.

63. **"Private Sewage Disposal System"** shall mean any sewage disposal or wastewater treatment system not connected to a public sewer and constructed for the purpose of treating residential, commercial or industrial wastes.

64. **"Process wastewater"** means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

65. **"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 inch (1.27 centimeters) in any dimension.

66. **"Public Sewer"** shall mean any combined or sanitary sewer or lift station located on land owned by a POTW, within a public right-of-way, or in a dedicated easement and which is controlled by public authority.

67. **"Publicly Owned Treatment Works or POTW"** shall mean a "treatment works", as defined by Section 212 of the Act (33 USC Section 1292) which is owned by a State, political subdivision, or municipality (as defined by section 502(4) of the Act). This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges and the discharges from such a treatment works.

68. **"Sanitary Sewer"** shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.

69. **"Sewage"** shall mean wastewater.

70. **"Sewage System"** shall mean the network of publicly owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself. This term is also expressed as municipal wastewater system or wastewater collection system.

71. **"Sewer"** shall mean a pipe or conduit for carrying wastewater or storm water.

72. **"Sewer Work"** shall mean the connecting of any building sewer to the HSD's wastewater collection system, the making of a significant alteration to or significant repair to a building sewer, to a building drain or the altering or repairing of a District sewer.

73. **"Shall"** is mandatory; **"may"** is permissive.

74. **"Significant Industrial User"** shall mean: 1) any Categorical Industrial User (CIU); 2) any other IU which a) discharges an average of twenty-five thousand (25,000) gallons of process wastewater per day; b) contributes a processed water which makes up five percent or more of the dry weather average hydraulic or organic capacity of GSD's Wastewater Treatment System; or c) is found by GSD, State of Indiana or the USEPA to have significant impact, either by itself or in combination with other contributing industries, on the Wastewater Treatment System, the quality of sludge, the system's effluent quality or air emissions generated by the system. Upon a finding that an IU meeting the above criteria has no reasonable potential for adversely affecting the wastewater treatment system of the GSD or for violating any pretreatment standard or requirement, the GSD may at any time, upon its own initiative or in response to a petition received from an industrial user, and in accordance 40 CFR 403.8(f)(6), determine that such an industrial user is not a significant industrial user.

75. **"Significant Noncompliance (SNC)"** shall mean an Industrial Users' effluent discharge is in Significant Noncompliance if its violations meet one or more of the following criteria:

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

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements for each pollutant parameter taken during a six month period equal or exceed the product of the daily

maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(c) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the GSD and/or HSD determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);

(d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under section 40 CFR 403.8 (f)(1)(F)(i) to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final completion;

(f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report non-compliance; and

(h) Any other violation or group of violations which the or GSD determines will adversely affect the operation and implementation of the local pretreatment program.

76. **"Slug Load or Slug"** shall mean any discharge of non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge at a flow rate or concentration which would cause a violation of the prohibited discharge standards in Section II Parts B and C of this resolution.

77. **"Sludge"** shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Federal Act and in the applicable requirements under Sections 3001, 3004 and 4004 of the Solid Waste Disposal Act as amended.

78. **"State"** shall mean the State of Indiana.

79. **"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.

80. **"Standard Methods"** shall mean the laboratory procedures set forth in the latest addition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association and the Water Pollution Control Federation.

81. **"Storm Drain or Storm Sewer"** shall mean a sewer which carries storm and surface water and drainage, but excludes sewage and industrial waters, other than unpolluted cooling water.

82. **"Storm Water"** shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

83. **"Total Suspended Solids (TSS)"** shall mean solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering using USEPA approved methods.

84. **"Toxic Amount"** shall mean that concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as death, illness, cancer, genetic mutations, and physiological manifestations.

85. **"Toxic Pollutant"** shall mean, but not be limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of the CWA 302(A) or other acts.

86. **"Unpolluted Water"** shall mean water of quality that would not cause a violation of receiving water quality standards, would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities, and without additional treatment could be directly discharged to waters of Indiana in compliance with local, state and federal law.

87. **"Upset"** shall mean an exceptional incident in any Industrial User's facility, in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation and consistent with the language contained in 40 CFR 403.16.

88. **"User"** shall mean any person who contributes, causes or permits the contribution of wastewater into the HSD's wastewater system.

89. **"Wastewater"** shall mean water-carried human wastes or a combination of water-carried wastes from residences, business, buildings, institutions and industrial establishments, together with any ground, surface, storm or other waters as may be present.

90. **"Wastewater normally discharged by a residence"** shall mean the wastewater contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty-five (35) pounds of suspended solids per month, and thirty (30) pounds of cBOD per month.

91. **"Wastewater Treatment Plant"** shall mean the portion of the GSD's Wastewater Treatment System that is designed to provide treatment of municipal and industrial wastewater.

92. **"Wastewater Treatment System"** shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

93. **"Watercourse"** shall mean a channel in which a flow of water occurs, either continuously or intermittently.

#### D. ABBREVIATIONS

The following abbreviations shall have the designated meanings:

- |                         |                                                |
|-------------------------|------------------------------------------------|
| 1. BOD <sub>5</sub> :   | Biochemical Oxygen Demand                      |
| 2. cBOD <sub>5</sub> :  | Carbonaceous Biochemical Oxygen Demand         |
| 3. CFR:                 | Code of Federal Regulations                    |
| 4. CIU:                 | Categorical Industrial User                    |
| 5. CWA:                 | Clean Water Act                                |
| 6. EPA:                 | United States Environmental Protection Agency  |
| 7. GSD:                 | Gary Sanitary District                         |
| 8. IDEM:                | Indiana Department of Environmental Management |
| 9. ISBH:                | Indiana State Board of Health                  |
| 10. IU:                 | Industrial User                                |
| 11. l:                  | Liter                                          |
| 12. mg:                 | Milligrams                                     |
| 13. mg/l:               | Milligrams per Liter                           |
| 14. NH <sub>3</sub> -N: | Ammonia Nitrogen                               |

15. NPDES: National Pollutant Discharge Elimination System
16. O & M: Operations and Maintenance
17. POTW: Publicly Owned Treatment Works
18. RCRA: Resource Conservation and Recovery Act
19. SIC: Standard Industrial Classification
20. SIU: Significant Industrial User
21. SNC: Significant Non-compliance
22. SWDA: Solid Waste Disposal Act, 42 USC *et seq.*
23. TRC: Technical Review Criteria
24. TSS: Total Suspended Solids
25. U.S.EPA: United States Environmental Protection Agency
26. 40 CFR 136: U.S. EPA approved "Guidelines Establishing Test Procedures for the Analyses of Pollutants"
27. 330 IAC 5-12-2: "Regulations for National Pretreatment Standards for Prohibited Discharges"

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**SECTION II**  
**DISCHARGE AND SEWER REGULATIONS**

**A. UNLAWFUL DISPOSAL OF WASTES**

1. It shall be unlawful to discharge to any natural outlet or watercourse within the District, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with the laws of the United States; State of Indiana; and the ordinances, resolutions, rule and regulations of the GSD and HSD.

2. Except where a valid NPDES permit exists, the owner of all houses, buildings, or properties used for human occupancy, employment recreation or other purposes, situated within GSD and abutting any street, alley or right-of-way in which there is now located or may in the future be located a GSD sewer, is hereby required at his/her expense to connect such facilities directly with the GSD sewer in accordance with the provisions of this ordinance, within ninety (90) days after the day of official notice to do so, provided that said GSD sewer is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided.

**B. GENERAL DISCHARGE PROHIBITIONS**

1. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted water into any sanitary sewer.

2. Storm water and all other unpolluted water may be discharged through structures existing prior to the prohibition of this practice to such sewers as are specifically designated as combined sewers or storm sewers. No new storm water or unpolluted water flow shall be introduced to the combined sewer system except as provided in Section IV. Industrial cooling water or unpolluted process waters may be discharged, on approval of application, as provided in Section IV.

**C. SPECIFIC DISCHARGE PROHIBITIONS**

1. No person shall discharge or cause to be discharged to any GSD sewer

wastewater or pollutant which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:

(a) A fire or explosion hazard in the GSD's Wastewater Treatment System including, but not limited to, wastestreams with a closed cup flashpoint of less 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods in 40 CFR 261.21.

(b) Corrosive structural damage to the wastewater treatment system but in no case any solution with pH lower than 5.5 or higher than 9.0;

(c) Obstruction to the flow in GSD sewers, or other interference with the proper operation of the wastewater treatment system;

(d) An interference;

(e) A pass-through;

2. No person shall discharge or cause to be discharged to any HSD sewer:

(a) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;

(b) Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 C. (104F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(c) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, to create a toxic effect in the receiving waters of the wastewater treatment plant, or to exceed applicable categorical pretreatment standards;

(d) Petroleum oil, nonbiodegradeable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(e) Pollutants which result in the presence of toxic gases, vapors, or fumes with GSD's Wastewater Treatment Plant in a quantity that will cause acute worker health and safety problems;

(f) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;

(g) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater works such as, but not limited to grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood plastics, tar, medical wastes, asphalt residues from refining or processing of fuels or lubricating oil, mud, glass grinding or polishing wastes, or tumbling and deburring stones;

(h) Any substance that may cause the wastewater treatment plant effluent or any other product of the wastewater treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater treatment plant cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;

(i) Any substance that will cause the wastewater treatment plant to violate its NPDES permit or the receiving stream's water quality standards;

(j) Any wastewater containing radioactive material including, but not limited to, radioactive waste above limits, regulations, or orders issued by the appropriate authority having control over their use.

(k) Detergents, surface-active agents, or other substances which may cause excessive foaming in the wastewater treatment system.

(l) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oils, or antifreeze, except at concentrations which do not exceed levels of such substances which are routinely present in the normal wastewater discharge and do not otherwise violate any section of this chapter or the conditions of an industrial discharge permit or a special agreement.

(m) Polychlorinated biphenyls (PCBs) in any detectable concentrations.

(n) Unpolluted water except as provided in Section IV.

(o) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a Discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

3. No person shall discharge or cause to be discharged to the sewer or the POTW:

(a) Any trucked or hauled industrial process or hazardous wastes.

(b) Any septic tank waste, except at discharge points designated by the POTW and with a valid liquid waste hauler discharge permit.

4. Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.

5. POTW's may develop Best Management Practices (BMPs) to implement subparagraphs (c) (1) and (c) (2) of 40 CFR 403.5. Such BMP's shall be considered local limits and Pretreatment Standards for the purpose of this part and section 307 (d) of the Act.

6. No person shall discharge or cause to be discharged a wastewater which has a value which exceeds the specific pollutant limitation shown in Table I. Industries must report results for the parameters listed where there are no set limitations.

**TABLE I**  
**SPECIFIC POLLUTANT LIMITATIONS**

<u>POLLUTANT</u>	<u>SAMPLE TYPE</u>	<u>MAXIMUM DAILY CONCENTRATION (mg/l)</u>	
Arsenic	24 hr. Composite		0.037
Cadmium (Total)	24 hr. Composite		0.25
Chromium (Total)	24 hr. Composite		0.97
Chromium (Hexavalent)	Grab		0.77
Copper (Total)	24 hr. Composite		2.5
Cyanide (Total)	Grab		0.058
Iron	24 hr. Composite		16.7
Lead (Total)	24 hr. Composite		0.88
Mercury (Total)		Grab	0.0009*
Molybdenum	24 hr. Composite	12.1	
Nickel (Total)	24 hr. Composite	2.7	
Selenium	24 hr. Composite		1.19
Silver (Total)	24 hr. Composite		1.2
Zinc (Total)	24 hr. Composite		2.9
Phenols (4AAP)	Grab		0.7
Oil and Grease	Grab		60
Chlorides	24 hr. Composite		114*
Fluorides	24 hr. Composite		12.5
Sulfate	24 hr. Composite		1125
Total Dissolved Solids	24 hr. Composite		768*
Benzene	Grab		Report
Toluene	Grab		Report
Ethylene	Grab		Report Xylene
	Grab	Report	

\* Interim Local Limit

7. A grease interceptor shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotels, hospitals, sanitarium, factory or school kitchens, or other

establishments where grease may be introduced into the drainage, or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size, and method of installation of the grease interceptor shall meet the requirements imposed by the Administrative Building Council of the State of Indiana and the HSD and shall be reviewed and approved by the HSD prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by GSD. Any removal and hauling of the collected materials not performed by the owner or the owner's personnel must be performed by licensed waste disposal firms.

On a showing of good cause, the HSD may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

#### **D. MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS**

When the GSD demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, and any amendments thereto, the GSD may apply to the Administrator of EPA, or IDEM, for authorization to give a removal credit to reflect removal of toxic or other regulated pollutants by the GSD's Wastewater Treatment System.

#### **E. STATE AND FEDERAL REQUIREMENTS**

Federal Categorical Pretreatment Standards or State requirements shall apply at the end of process, and local limits, if more stringent, shall apply at the end of pipe.

#### **F. HSD'S RIGHT OF REVISION**

The HSD reserves the right to establish by resolution reasonably more stringent limitations or requirements on discharges to the HSD's POTW than those in this resolution if deemed necessary to comply with the objectives presented in this resolution.

#### **G. BASELINE MONITORING REPORT**

Within one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made on a category, whichever is later, existing Industrial Users subject to such categorical pretreatment standards and currently discharging or scheduled to discharge to the wastewater treatment system will be required to submit to GSD a report containing the following information as required by 40 CFR 403.12(b) and listed in paragraphs 1-7 below. Where reports containing this information already have been submitted to GSD in compliance with the requirement of 40 CFR 128.140(b)(1977),

the Industrial User will not be required to submit this information again. At least 90 days prior to commencement of discharge, New Sources, and sources that become Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall be required to submit to GSD a report which contains the information listed in paragraphs 1-5 of this section. New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in paragraphs 4 and 5 of this section.

1. **Identifying Information.** The Industrial User shall submit the name and address of the facility including the name of the operator and owners.

2. **Permits.** The Industrial User shall submit a list of any environmental control permits held by or for the facility.

3. **Description of Operations.** An Industrial User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of discharge to the wastewater treatment system from the regulated processes.

4. **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the wastewater treatment system from each of the following:

(a) All regulated process streams; and

(b) Other streams as necessary to allow use of the combined waste stream formula or formula of 40 CFR 403.6(e).

HSD and/or GSD may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

5. **Measurement of Pollutants.** The pretreatment standards are measured according to 40 CFR 403.12(b)(5).

6. **Certification.** A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the pretreatment standards and requirements as set forth in 40 CFR 403.12(b)(6).

7. **Compliance Schedule.** If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the Industrial User shall comply with provision as set in forth 40 CFR 403.12(b)(7).

8. **Signatory Requirements.** All baseline monitoring reports, 90-day compliance, and periodic compliance reports must be signed and certified consistent with 40 CFR 403.12(1).

#### **H. EXCESSIVE DISCHARGE / DILUTION PROHIBITION**

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no Industrial User shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate-treatment to achieve compliance with a pretreatment standard or requirement. The HSD and/or GSD may impose mass limitations on Industrial Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

#### **I. INDUSTRIAL USER'S NOTIFICATION REQUIREMENTS FOR ACCIDENTAL DISCHARGE NONCOMPLIANCE AND FOR CHANGED DISCHARGES**

1. In case of an accidental discharge, it is the responsibility of the Industrial User to immediately telephone and notify the HSD at 219-980-5220 and GSD's Industrial Surveillance Department at 219-944-0595 of the incident. The notification shall include:

- (a) Name of company;
- (b) Location of discharge;
- (c) Type of waste discharged;
- (d) Concentration and volume of waste discharged;
- (e) Corrective actions taken to minimize the impact of the discharge to the POTW;
- (f) Date and time of occurrence.

2. The Industrial User shall notify the HSD and GSD, within two (2) hours of the Industrial User obtaining knowledge, if it is unable to comply with any requirement of this resolution and/or any pretreatment standard because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in paragraph 1 above.

3. Within five (5) calendar days following an accidental discharge or incident of noncompliance, the industrial user shall submit to the HSD and GSD a detailed written report describing;

(a) The cause of the accidental discharge or noncompliance;

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

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

4. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as the result of damage to the HSD's and GSD's POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, surcharges or other liability which may be imposed by this resolution or other applicable law.

5. In any enforcement proceeding the Industrial User seeking to establish the occurrence of an upset shall have burden of proof. An Industrial User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the Industrial User can identify the specific cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(c) The Industrial User has submitted to the HSD and GSD the information required in paragraphs 2 and 3 above.

6. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees to telephone the HSD at 219-980-5220 and GSD's Industrial Pretreatment Department at 219-944-0595 in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

7. All Industrial Users shall promptly notify the HSD and GSD in advance of any substantial change in the volume or character of pollutants in their discharge, including

the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR 403.12(p).

8. GSD and HSD shall evaluate each Significant Industrial User for the need of a slug control plan and if the GSD decides that a slug control plan is needed, the plan shall contain, at a minimum, the requirements as set forth in 40 CFR 403.8(f)(2)(v).

#### **J. LIABILITY FOR DAMAGE AND ATTORNEY FEES**

If any person violates the instant Resolution or discharges or causes to be discharged a waste which causes interference, obstruction, damage or any other impairment to the HSD's and/or GSD's POTW, the HSD and/or GSD may assess a charges against said person for:

(1) HSD's and/or GSD's actual costs expended to clean or repair the POTW;

(2) HSD's and/or GSD's reasonable attorney fees, expert witness fees, engineering fees, consultant fee, and/or other reasonable costs incurred as a result of such discharges; and

(3) Any fine imposed against the HSD and/or GSD as a result of such interference, obstruction, damage or impairment;

which such fees and charges to be added to said person's regular charges.

GSD shall Invoice the HSD's violating or discharging Industrial User via the HSD for and GSD costs as they are developed and submitted. HSD's Industrial User's payment of such costs shall be due thirty (30) days after the HSD mails a copy of the GSD's Invoice to the HSD's Industrial User. Said Industrial User shall pay simple interest of at the rate of ten (10) percent per annum on the unpaid balance, beginning on the day after final payment is due from said Industrial User and compounded annually. Upon the HSD's receipt of any monies paid by an HSD Industrial User pursuant to such an Invoice from the GSD, the HSD shall as soon as practicable forward said monies to GSD.

#### **K. DUTY TO MITIGATE: PREVENTION OF ADVERSE IMPACT**

All Users shall take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this ordinance that has a reasonable likelihood of adversely affecting human health, the POTW, the waters receiving the POTW's discharge, or the environment.

#### **L. MONITORING DEVICES: METERING EQUIPMENT**

##### **1. Installation and Maintenance at Industrial User's Expense**

The GSD and/or HSD may require, as is necessary to carry out the requirements of this resolution, any person to construct at his/her expense, monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the Industrial User's expense.

## **2. Right to Inspect**

Whenever required to carry out the objectives of this resolution or of any issued Industrial Wastewater Discharge Permit, the authorized representative of the GSD, HSD, IDEM, and/or USEPA, upon presentation of his/her credentials, shall have a right of entry to, upon, or through any premises for purpose of reviewing or photocopying relevant records or inspecting, measuring, and sampling of the discharges. This right of entry shall include, but not limited to, any equipment necessary to conduct said inspections, measuring, and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the authorized representative in carrying out the review or photocopying of relevant records, inspection, measuring and sampling. The right of entry shall exist at any time.

## **M. SEARCH WARRANTS**

If the authorized representatives of HSD and/or GSD have been refused access to building, structure, or property or any part thereof, and if the authorized representatives have probable cause to believe that there may be a violation of this Resolution or that there is the need to inspect as a part of routine inspection program of the HSD designed to verify compliance with this Resolution or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then upon application to the appropriate Court, the authorized representatives of HSD and/or GSD may seek a search and seizure warrant describing therein the specific location subject to the warrant. The request by HSD's and/or GSD's authorized representatives shall specify what may be searched or seized on the property described. Such warrant shall be served at reasonable hours by HSD's and/or GSD's authorized representatives in the company of a uniformed police officer. In the event of an extreme emergency affecting the public health and safety, inspections shall be made without the issuance of a warrant.

## **N. RULES AND REGULATIONS**

After the passage of this resolution and from time to time thereafter as may be needed, the HSD's Board of Directors may, by resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this resolution and not inconsistent therewith.

## **O. ENFORCEMENT OF SANCTIONS AGAINST INDUSTRIAL USERS FOR VIOLATIONS OF PRETREATMENT STANDARDS AND REGULATIONS**

### **1. HSD'S \$2,500.00 Per Violation Administrative Surcharge; Attorney Fees**

Notwithstanding any other section, any person, who violates any provision or discharge limit of this resolution or of their issued Industrial Wastewater Discharge Permit, may be assessed an administrative surcharge by the HSD in an amount not to exceed two thousand and five hundred dollars (\$2,500.00) per violation. The HSD may seek to collect any surcharges assessed hereunder in a court of competent jurisdiction.

The HSD may also collect from a violating HSD Industrial User any and all reasonable attorney fees, including GSD's reasonable attorney fees, related to any and all enforcement action taken against said Industrial User as a result of a violation of any Federal, State, or local Pretreatment standard or regulation.

This administrative surcharge is being enacted in recognition of the following facts: That federal and state law set discharge limitations, pretreatment standards and regulations, and require Industrial Wastewater Pretreatment Programs;

That violation requires GSD and/or HSD to incur additional administrative costs necessary to track, assess and report on such violations; and,

That each violation presumably has a negative impact on GSD's and/or HSD's wastewater treatment facilities and the environment.

## **2. Enforcement Response Guide**

HSD hereby adopts, approves and incorporates by reference GSD's Enforcement Response Guide (*hereinafter*, ERG), which marked as EXHIBIT A and attached at the end of this Resolution.

Enforcement of this ordinance and industrial wastewater discharge permits shall be according to the procedures outline in the GSD's ERG. HSD shall have all of the powers and rights set forth in GSD's ERG to enforce this Ordinance. All provisions of GSD's ERG shall apply to all of HSD's Industrial Users.

## **3. HSD's and/or GSD's other Remedies**

In response to an Industrial User's violation of this resolution and in addition to pursuing the above listed sanctions against a violator, the HSD and/or GSD may:

(a) Reject the violator's wastewater.

(b) Require the violator to pretreat or modify the wastewater to meet the pollutant limits established in the resolution.

(c) Pursue such other legal action at law or at equity, which the HSD and/or GSD may deem appropriate and which may be provided by statute or common law to the HSD and/or GSD, including injunctive relief and disconnection of a violator.

**P. INDUSTRIAL USERS' RECORD KEEPING REQUIREMENTS**

1. Any Industrial User subject to the reporting requirements established in this resolution shall maintain records of all information resulting from any monitoring activities required by this resolution. Such records shall include for all samples:

- (a) The date, exact place, method, and time of sampling;
- (b) The name(s) of the person or persons taking the samples;
- (c) The dates analyses were performed;
- (d) The names of the persons who performed the analyses;
- (e) The analytical techniques/methods used;
- (f) The results of such analyses;
- (g) A laboratory certification statement;
- (h) The signature of an authorized representative; and
- (i) Properly completed Chain-of-Custody.

2. Any industrial user subject to the reporting requirements established in this resolution shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available to the USEPA, IDEM, HSD and/or the GSD. This period shall automatically be extended for the duration of litigation concerning pretreatment issues involving the Industrial User, HSD and/or GSD; or as requested by USEPA, IDEM, HSD and/or GSD.

**SECTION III**

**ADMINISTRATION**

**A. INDUSTRIAL WASTEWATER PRETREATMENT PERMITS REQUIRED**

1. All Industrial Users proposing to connect to or discharge into a District sewer must complete an application for an "Industrial Wastewater Pretreatment Permit" before connecting to or discharging into the HSD's POTW.

2. All Significant Industrial Users connected to or discharging into an HSD sewer, who do not currently have an "Industrial Wastewater Pretreatment Permit", must complete an application for an "Industrial Wastewater Pretreatment Permit" within a reasonable time not to exceed thirty (30) days after the effective date of this resolution.

3. All Significant Industrial Users shall obtain an Industrial Wastewater Discharge Permit from GSD before connecting or discharging into GSD's sewers.

4. No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this resolution or Industrial Wastewater Discharge Permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this resolution.

#### **B. INDUSTRIAL WASTEWATER PRETREATMENT PERMIT APPLICATION**

1. The HSD shall have the authority to prescribe an "Industrial Wastewater Pretreatment Permit" application form. The application form may require the following information:

(a) Name, address, and Standard Industrial Classification number;

(b) Volume of wastewater to be discharged;

(c) The wastewater characteristics, including, but not limited to BOD, suspended solids, ammonia, and pH;

(d) Description of daily, weekly, and seasonal variations in discharges;

(e) Location of building drain and/or building sewer;

(f) Pretreatment standards applicable to the discharge;

(g) If additional pretreatment and/or operation and maintenance is required to meet the pretreatment standards, the Industrial User shall provide it by the shortest possible compliance schedules. The completion date in this schedule shall not be later than the compliance date established for any applicable federal pretreatment standard. The following conditions shall apply to this schedule:

(i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable pretreatment standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, etc.);

(ii) No increment referred to in paragraph (g) or (i) shall exceed nine (9) months;

(iii) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the HSD and GSD including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the HSD and GSD.

(h) Each product produced by type, amount, process or processes, and rate of production;

(i) The number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;

(j) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(k) Site plans, floor plans, mechanical and plumbing plans and details which show all sewers, sewer connections, and appurtenances by the size, location, and elevation;

(l) Where known, the nature and concentration of any pollutants in the discharge which are limited by any municipal, political subdivision, State, or National Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance expense and/or additional pretreatment is required for the Industrial User to meet applicable pretreatment standards;

(m) An evaluation of the facilities required, costs (capital and operation and maintenance), and analysis of the feasibility of the providing the capability to

suspend or provide holding capacity for permitted discharges during wet weather periods for durations of 6, 12 and 24 hours.

(n) Any other information as may be deemed by the HSD and/or GSD to be necessary to evaluate the Industrial Wastewater Discharge Permit application.

2. The "Industrial Wastewater Pretreatment Permit" application is to be signed and sworn to by:

(a) In case of a corporation or an association, an officer, or his/her duly authorized representative if such representative is responsible for the overall operation of the facility from which the discharge described in the application form originates;

(b) In the case of a partnership, a general partner;

(c) In the case of a sole proprietorship, by the proprietor;

(d) In the case of a governmental agency, by the principal administrator or executive officer;

(e) Any person signing the application statement submitted pursuant to this section shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. This statement must be consistent with the provisions of 40 CFR 403.6 (a) (2) (ii) and all amendments thereto; and

(f) Whenever an application for Certification is made by a POTW, existing Industrial User, or new source under 40 CFR 403.6, said application must be made under the terms and conditions set out in said section, and contain the Certification Statement as set out in 40 CFR 403.6 (a) (2) (ii).

### **C. TERM OF INDUSTRIAL WASTEWATER PRETREATMENT PERMITS**

An "Industrial Wastewater Pretreatment Permit" shall be for a term of five (5) years. Any person wishing to continue to discharge to the HSD's POTW beyond the term of the "Industrial Wastewater Pretreatment Permit" shall apply to the HSD for renewal of the

"Industrial Wastewater Pretreatment Permit" at least one-hundred eighty (180) days prior to the expiration of said permit.

**D. CONDITIONS FOR ISSUANCE OF AN INDUSTRIAL WASTEWATER PRE-TREATMENT PERMIT**

The HSD may prescribe conditions to the "Industrial Wastewater Pretreatment Permit" which may include the following:

1. Applicable federal and/or state laws, regulations or orders;
2. Limits on the wastewater characteristics in addition to those contained in this resolution, including, but not limited to, polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the wastewater treatment system. The HSD shall apply applicable federal categorical pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology;
3. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a GSD sewer, as established by Board;
4. Limits on the average and maximum wastewater constituents and characteristics;
5. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
6. Requirements for installation and maintenance of inspection and sampling facilities;
7. Specifications for monitoring programs which may include sampling locations frequency of sampling, number, types and standards for tests, and reporting schedule;
8. Compliance schedules;
9. Requirements for submission of technical reports or discharge reports;
10. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the HSD, and affording HSD, GSD, IDEM and/or USEPA access thereto;
11. Requirements for notification of the HSD and GSD of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW;
12. Requirements for notification of slug discharges;

13. A statement that indicates Industrial Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;

14. A statement that the Industrial Wastewater Discharge Permit is nontransferable without prior notification to the GSD and HSD in accordance with Section III.G, below, of this resolution, and provisions for furnishing the new owner or operator with a copy of the existing Industrial Wastewater Discharge Permit;

15. A statement of GSD's and/or HSD's available remedies against a person for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and

16. Other conditions as deemed appropriate by the HSD and/or GSD to ensure compliance with this resolution.

#### **E. INDUSTRIAL WASTEWATER PRETREATMENT PERMIT MODIFICATIONS**

As soon as possible after promulgation of a categorical pretreatment standard, the "Industrial Wastewater Pretreatment Permit" of Industrial Users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. In addition, the Industrial User, with an existing "Industrial Wastewater Pretreatment Permit", shall submit to the HSD and GSD within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by Section III. "Industrial Wastewater Pretreatment Permits" of Industrial Users, who must comply with federal categorical pretreatment standards prior to the effective date of this resolution, shall be revised immediately upon the effective date of this resolution to reflect applicable pretreatment standards. HSD reserves the right to amend any part of a permit issued under this Section to comply with local, State, or federal laws and regulations.

#### **F. FEES FOR INDUSTRIAL WASTEWATER PRETREATMENT PERMITS**

The HSD hereby establishes the following "Industrial Waste Pretreatment Permit" fees to defray the costs of processing permit applications and administering the industrial waste pretreatment program. The fees specified in this section shall be payable to the HSD.

##### **1. Permit Application Fees**

(a) An initial application fee of \$100 shall be remitted upon an Applicant's filing of an "Industrial Waste Pretreatment Permit" application.

(b) A fee of \$500 shall be assessed from the Applicant upon the approval of an initial application and the issuance of new "Industrial Waste Pretreatment Permit".

(c) A fee of \$300 shall be assessed from a Permittee for the processing of a request from the Permittee to modify an "Industrial Waste Pretreatment Permit". The Permittee shall remit the fee at the time the request for permit modification is filed with the HSD. No fee will be assessed for permit modifications initiated by the HSD and/or GSD.

(d) A fee of \$300 shall be assessed from a Permittee for the processing of a request from the permittee to renew an "Industrial Waste Pretreatment Permit".

## **2. Annual Fee**

(a) An annual fee of \$100 per year will be assessed from all Permittees.

(b) Permittees will be billed for the annual fee by the HSD no later than November 15 of each year.

(c) Annual fees are due and payable by January 1 of each year.

(d) Failure to remit an annual fee within thirty (30) days of the due date shall result in the assessment of a delinquency charge equal to twenty-five percent (25%) of the annual fee.

(e) Failure to remit the annual fee and any applicable delinquency charge within sixty (60) days of the date in which the annual fee is due shall result in the revocation of the permit. A Permittee whose "Industrial Waste Pretreatment Permit" is revoked for non payment of annual fees must apply for a new "Industrial Waste Pretreatment Permit" to obtain another permit.

## **G. NONASSIGNABILITY OR TRANSFERABILITY**

The "Industrial Wastewater Pretreatment Permits" are issued to a specific person for a specific facility and do not constitute a property interest, nor shall the Industrial Wastewater Discharge Permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation, without notice to and approval by HSD.

## **H. PRETREATMENT**

Industrial Users shall provide necessary wastewater treatment as required to comply with the resolution and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by all applicable local, State, and federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the GSD and HSD shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the pretreatment

facilities and operating procedures shall be submitted to the GSD, HSD, and IDEM for review and approval of such plans before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the GSD and HSD under the provisions of this resolution. Any subsequent significant modifications in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to the GSD and HSD prior to the Industrial User's initiation of the changes.

#### **I. INDUSTRIAL WASTEWATER PRETREATMENT PERMIT COMPLIANCE DATE REPORT**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a New Source, following commencement of the introduction of wastewater into the system, any Industrial User subject to pretreatment standards or regulations shall submit to the GSD and HSD a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or regulations and the average and maximum daily flow for these process units in the Industrial User's facility which are limited by pretreatment standards or regulations.

The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or regulations. This statement shall be signed by an authorized representative of the Industrial User.

#### **J. JUNE AND DECEMBER PERIODIC COMPLIANCE REPORTS FOR INDUSTRIAL WASTEWATER PRETREATMENT PERMITS**

Any Industrial User subject to a pretreatment standard set forth in this resolution, after the compliance date of such pretreatment standard, or, in the case of a New Source, after commencement of the discharge into the wastewater treatment system, shall submit to the GSD and HSD, during the months of June and December, unless required more frequently in the pretreatment standard or by the GSD or HSD, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily and average flows reported pursuant to this resolution. At the discretion of the HSD or GSD and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the HSD may agree to alter the months during which the above reports are to be submitted.

Reports of permittees shall contain the results of sampling and analyses of the effluent discharge, including the flow, the nature and concentration or production and mass of pollutants contained therein which are limited by the applicable pretreatment

standards. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR Part 136. Where 40 CFR Part 136 does not include sampling or analytical technique for the pollutant in question, sampling and analyses shall be performed in accordance with the procedures set forth in the latest edition of USEPA approved "Standard Methods for the Examination of Water and Wastewater" or with any other sampling and analytical procedures approved by the Administrator of the USEPA.

#### **K. INDUSTRIAL USER HAZARDOUS WASTE REPORTING**

Any Industrial User which disposes of hazardous waste, as defined by 40 CFR Part 261, must file reports with the GSD and HSD within one hundred eighty (180) days of the effective date of the categorical pretreatment standards or one hundred eighty (180) days after the final administrative decision on the categorical pretreatment standard, whichever is later. Said reports must contain the information required by 40 CFR 403.12.

#### **L. CONFIDENTIAL INFORMATION**

1. The GSD and HSD shall protect any information (other than effluent data) contained in the application forms, or other records, reports or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person. Said information must be designated as confidential at the time it is provided to the GSD and HSD.

2. Information accepted by the GSD and HSD with a claim for confidentiality shall be safeguarded by the GSD and HSD and shall not be transmitted to any government agency or to the public until and unless a fifteen-day notification is given to the user. During the fifteen-day period, the user shall submit a justification of confidentiality to the GSD and HSD. A determination of confidentiality shall be made by the GSD and HSD pursuant to regulation used by IDEM.

3. This section shall not apply to USEPA and IDEM which shall have immediate and unlimited access to any and all information collected by the GSD or HSD in accordance their industrial pretreatment programs.

#### **M. EMERGENCY SUSPENSION OF INDUSTRIAL USER'S WASTEWATER DISPOSAL SERVICE AND/OR SUSPENSION OF "INDUSTRIAL WASTEWATER PRETREATMENT PERMIT"**

Notwithstanding any other provision of this resolution, the HSD may, without notice or hearing, suspend the Industrial User's wastewater treatment service and/or the Industrial User's "Industrial Waste Pretreatment Permit" when such suspension is necessary, in the opinion of the HSD in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the GSD's and/or HSD's

POTW, or causes the GSD and/or HSD to violate any condition of any NPDES permit or other permit issued by IDEM and/or USEPA.

Any Industrial User notified of a suspension of the wastewater treatment service and/or the "Industrial Waste Pretreatment Permit" shall immediately stop or eliminate the contribution. In the event of a failure of the person or Industrial User to comply voluntarily with the suspension order, the HSD shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to any POTW or endangerment to any individuals and/or the environment.

The HSD shall reinstate the "Industrial Waste Pretreatment Permit" and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The Industrial User shall pay all costs associated with disconnecting from and reconnecting to the HSD's POTW. A detailed written statement submitted by the Industrial User describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the HSD within five (5) days of the date of occurrence.

#### **N. REVOCATION OF INDUSTRIAL WASTEWATER PRETREATMENT PERMIT**

The HSD may revoke an Industrial User's "Industrial Waste Pretreatment Permit" for any of the following:

1. Violation of any provision of this resolution or of any applicable local, state and/or federal law including regulations;
2. Failure to timely file any discharge reports;
3. Failure to factually report wastewater characteristics;
4. Refusal of reasonable access to the Industrial User's premises for the purpose of review of records, inspection, or monitoring; or
5. Violation of any condition of the "Industrial Waste Pretreatment Permit".

#### **O. NOTICE OF REVOCATION**

Except in cases of willfulness or those in which the public health interest or safety requires otherwise, the revocation, withdrawal, or suspension of an Industrial User's "Industrial Waste Pretreatment Permit" is lawful only if, before the institution of proceedings thereof, the Industrial User Permittee has been given:

1. Notice by the HSD, in writing, of the facts or conduct which may warrant the action.

2. Reasonable opportunity to demonstrate or achieve compliance with all lawful requirements.

**P. NOTIFICATION OF VIOLATION**

Whenever the HSD finds that any Industrial User has violated or is violating this resolution, or any condition of the Industrial User's "Industrial Waste Pretreatment Permit", the HSD may serve upon such Industrial User a written notice stating the nature of the violation. Within fifteen (15) days of the date of the notice, an Industrial User's plan for the satisfactory correction thereof shall be submitted to and actually received by the HSD.

**Q. SHOW CAUSE HEARING**

HSD may order any Industrial User who causes or allows an unauthorized discharge to enter the wastewater treatment plant to show cause at a HSD hearing why the proposed enforcement action should not be taken. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held before the Director or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the Industrial User to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.

**R. APPEALS**

An Industrial User may file with the Director a written request for reconsideration within fifteen (15) days of any action, decision or determination taken as part of GSD's administrative enforcement program. The request shall set forth in detail the facts surrounding the request. The Director shall make his/her final determination within ten (10) days of the request.

The Industrial User may further appeal to the Board within fifteen (15) days of any final decision of the Director.

**S. PUBLICATION OF VIOLATIONS**

The HSD and/or GSD shall annually publish in the largest local newspaper a list of the Industrial Users which have been in Significant Noncompliance during the twelve (12) previous months. The notification shall also summarize any enforcement actions taken against the Industrial User(s) during the same twelve (12) months.

**T. HAULED WASTEWATER**

1. Generators and transporters of septic tank liquid and other hauled wastewater may be allowed to discharge at the GSD Wastewater Treatment Plant at a designated

area and at such designated times as established by the GSD Director provided such wastes do not violate GSD's sewer use Ordinance No. 8347 passed and adopted by the Common Council of the City of Gary on 3-2-10, or any duly adopted amendments thereto.

2. No waste hauling vehicle will be allowed to discharge any hauled waste without obtaining from GSD a discharge permit issued under GSD's sewer use Ordinance.

3. Any hauled wastewater is subject to sampling and analysis by the GSD. Samples will be analyzed in accordance with 40 CFR 136 or other methods approved by USEPA or IDEM for evaluation of wastewater.

4. Rates and charges for discharge of hauled wastewater and required sampling and analysis will be as provided in GSD's sewer use Ordinance.

**U. SEVERABILITY**

If any provision, paragraph, word or section of this Resolution is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and articles shall not be affected and shall continue in full force and effect.