

COMMON COUNCIL OF THE CITY OF HOBART

ORDINANCE NO. 2021-01

**ADOPTING A SEWER USE ORDINANCE ESTABLISHING RULES FOR THE
USE OF THE CITY'S SANITARY SEWER SYSTEM AND FOR
THE PRETREATMENT PROGRAM FOR USERS THAT DISCHARGE
NON-DOMESTIC WASTES TO ITS SANITARY SEWER SYSTEM
AND EXCESS STRENGTH SURCHARGES**

WHEREAS, federal and state laws require the City of Hobart to properly operate and regulate connections to and discharges into its sanitary sewer system; and

WHEREAS, Part 403 of Title 40 of the Code of Federal Regulations (CFR) implementing the Clean Water Act, as amended, and Title 327, Article 5, Rule 19 of the Indiana Administrative Code (IAC) require the City of Hobart to implement a pretreatment program for users of its sanitary sewer system that discharge non-domestic wastes into its sanitary sewer system; and

WHEREAS, the Common Council has been advised that it is necessary to update the City's rules and regulations regarding connections to and discharges into its sanitary sewer system in order to be compliant with applicable federal and state laws, rules, and regulations; and

WHEREAS, in order to maintain the City's compliance with applicable federal and state laws, rules, and regulations, the City of Hobart Sanitary District (HSD) has caused its attorney and engineering consultant prepare proposed rules and regulations regarding connections to and discharges into the City's sanitary sewer system that meet the applicable federal and state requirements, a copy of which Rules and Regulations are attached hereto as Exhibit A; and

WHEREAS, the Board of Commissioners of the HSD has adopted a Resolution, a copy of which is attached hereto as Exhibit B, recommending that the Common Council approve the Rules and Regulations in Exhibit A.

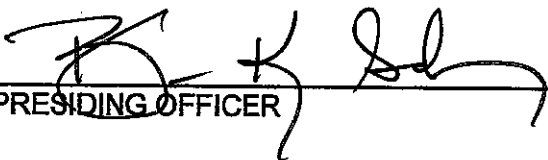
NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF HOBART, does hereby concur with the recommendation of the Board of Commissioners of the Hobart Sanitary District stated in Exhibit B attached hereto and approves the Rules and Regulations Regarding the Use of the City's Sanitary Sewer System and the City's Pretreatment Program For Non-domestic Wastewater Discharges as stated in Exhibit A attached hereto as Exhibit A.

This Ordinance to be effective upon passage and approval by the Mayor.

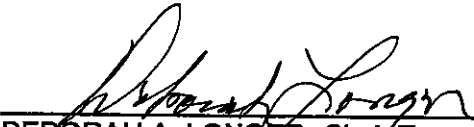
Passed this 17th day of February, 2021 by a vote of 7 ayes and 0 nays.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of

Hobart, Indiana on this 17th day of FEBRUARY, 2020

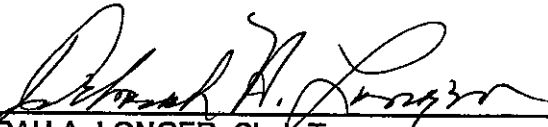


PRESIDING OFFICER

ATTEST: 

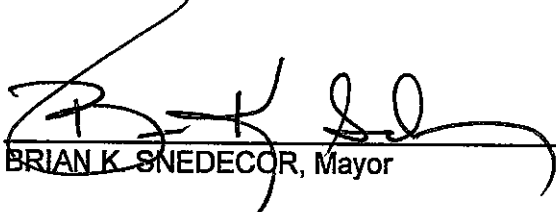
DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 17th day of FEBRUARY, 2020 at the hour of 7:05 pm.

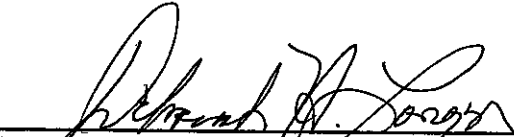


DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 17th day of FEBRUARY, 2020.



BRIAN K. SNEDECOR, Mayor

ATTEST: 

DEBORAH A. LONGER, Clerk-Treasurer

Hobart Sanitary and Stormwater District

Fee Basis For Industrial Pretreatment Program Permits and Excess Strength Surcharges

Consultant hourly rate \$120
 Staff hourly rate \$50

FOG Permit - Two year term

TASK	STAFF TIME (HOURS)	CONSULT TIME	COST
Review application, plans, calculations	1		
Record keeping/administrative tasks for initial permit and maintenance records	0.5		
Site Inspection – first year	0.5		
Site Inspection – second year	0.5		
TOTAL	2.5		\$ 125.00

Industrial User Permit - Five year term

TASK	INITIAL TIME		COST	ANNUAL TIME		COST
	STAFF	CONSULT		STAFF	CONSULT	
Initial application review	1	1				
Baseline monitoring report	0	1				
Compliance monitoring reports (semiannual)	0	1			1	
Record keeping/administrative tasks	1	0		1		
Semiannual inspections	1	1		1	1	
TOTAL	3	4	\$ 630.00	2	2	\$ 340.00

Fees

FOG Permit Application Fee (2-year term) \$ 125.00
 Industrial User Initial Permit Fee (5-year term) \$ 630.00
 Industrial User Annual Fee \$ 340.00

Schedule of Loading Surcharges (based on fees paid to GSD)

CBOD for concentrations greater than 170 mg/l \$0.15/pound
 Suspended solids for concentrations greater than 200 mg/l \$0.33/pound
 Ammonia for concentrations greater than 25 mg/l \$0.17/pound
 Phosphorus for concentrations greater than 7 mg/l \$1.90/pound

EXHIBIT A

CITY OF HOBART RULES AND REGULATIONS REGARDING USE OF CITY'S SANITARY SEWER SYSTEM AND THE CITY'S PRETREATMENT PROGRAM FOR USERS THAT DISCHARGE NON-DOMESTIC WASTES TO ITS SANITARY SEWER SYSTEM AND EXCESS STRENGTH SURCHARGES

TABLE OF CONTENTS

	<u>Page</u>
Section I – General Provisions	1
A. Purpose and Policy	1
B. Objectives	1
C. Definitions	1
D. Abbreviations	13
Section II – Discharge and Sewer Regulations	15
A. Unlawful Disposal of Water	15
B. General Discharge Prohibitions	15
C. Specific Discharge Prohibitions	15
D. National Categorical Pretreatment Standards	18
E. State Pretreatment Standards	18
F. Local Limits	18
G. HSD's Right of Revision	20
H. Excessive Discharge/Dilution Prohibition	20
Section III – Pretreatment of Wastewater	21
A. Pretreatment Facilities	21
B. Additional Pretreatment Measures	21
C. Accidental Discharge/Slug Control Plans	21
Section IV – Wastewater Discharge Permit Application	23
A. Wastewater Analysis	23
B. Wastewater Discharge Permits Required	23
C. Wastewater Discharge Permitting: Existing Connections	23
D. Wastewater Discharge Permitting: New Connections	23
E. Wastewater Discharge Permit Application Contents	24
F. Industrial Wastewater Discharge Permit Decisions	26
Section V – Non-Domestic Wastewater Discharge Permit Issuance Process	27
A. Term of Non-Domestic Wastewater Discharge Permits	27
B. Conditions for Issuance of a Non-Domestic Wastewater Discharge Permit	27
C. Non-Domestic Wastewater Discharge Permit Appeals	28
D. Non-Domestic Wastewater Discharge Permit Modifications	29
E. Nonassignability or Transferability	29

F.	Revocation of Non-Domestic Wastewater Discharge Permit	29
G.	Emergency Suspension of User's Non-Domestic Wastewater Disposal Service and/or Suspension of Non-Domestic Wastewater Discharge Permit	30
H.	Fees for Non-Domestic Wastewater Discharge Permits	31
I.	Regulation of Waste Received from Other Jurisdictions	32
Section VI – Reporting Requirements		34
A.	Baseline Monitoring Report	34
B.	Compliance Schedule Progress Reports	35
C.	Reports on Compliance with Categorical Pretreatment	36
D.	Periodic Compliance Reports	36
E.	Reports of Changed Conditions	36
F.	Reports of Potential Problems	37
G.	Reports from Unpermitted Users	38
H.	Notice of Violation/Repeat Sampling and Reporting	38
I.	Notification of the Discharge of Hazardous Waste	38
J.	Analytical Requirements	39
K.	Sample Collection	40
L.	Timing	40
M.	Non-Domestic Discharger's Record Keeping Requirements	40
Section VII – Compliance Monitoring		41
A.	Installation and Maintenance at Non-Domestic Discharger's Expense	41
B.	Right of Entry: Inspection and Sampling	41
C.	Search Warrants	41
Section VIII – Confidential Information		42
Section IX – Publication of Users in Significant Noncompliance		43
Section X – Administrative Enforcement Remedies		44
A.	Notification of Violation	44
B.	Consent Orders	44
C.	Show Cause Hearing	44
D.	Compliance Orders	44
E.	Cease and Desist Orders	45
F.	Administrative Penalties	45
G.	Emergency Suspensions	45
H.	Termination of Discharge	46
I.	Liability for Damage and Attorney Fees	46
J.	Duty to Mitigate: Prevention of Adverse Impact	47
K.	Enforcement of Sanctions Against Non-Domestic Dischargers for Violations of Pretreatment Standards, Permit and Regulations	47
Section XI – Judicial Enforcement Remedies		49
A.	Injunctive Relief	49
B.	Civil Penalties	49
C.	Criminal Prosecution	49
D.	Remedies Nonexclusive	49

Section XII – Supplemental Enforcement Action	51
A. Performance Bonds.....	51
B. Liability Insurance.....	51
C. Water Supply Severance.....	51
D. Public Nuisances.....	51
E. Contractor Listing	51
Section XIII – Affirmative Defenses to Discharge Violations	52
A. Upset.....	52
B. Prohibited Discharge Standards	52
C. Bypass	53
Section XIV – Wastewater Treatment Rates	54
Section XV – Miscellaneous Provisions	54
A. Pretreatment Charges and Fees	54
B. Severability.....	54

SECTION I

GENERAL PROVISIONS

A. PURPOSE AND POLICY

1. This ordinance 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 and through the GSD Wastewater Treatment Plant to the Grand Calumet River, a tributary to Lake Michigan. These requirements enable the HSD to protect public health and safety, 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 NON-DOMESTIC WASTES 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 HSD and GSD Wastewater Collection Systems or 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, or otherwise be incompatible with the Publicly Owned Treatment Works;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. To protect both the general public and POTW personnel who may be affected by wastewater and sludge in the course of their employment;
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works to dischargers of non-domestic waste; and
6. To provide for the regulation of discharges into the HSD's and GSD's wastewater systems through the issuance of non-domestic wastes discharge permits, the execution of inter-jurisdictional agreements, and the enforcement of administrative regulations.

In furtherance of these objectives, this Ordinance details the general regulation of discharges to public sewers, the issuance of discharge permits for non-domestic wastes discharges to 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 HSD's Enforcement Response Guide.

C. DEFINITIONS

As used in this ordinance 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 Non-Domestic Wastes Discharger"** shall mean:
 - (a) A principal executive officer of at least the level of vice president, if the user is a corporation; or
 - (b) A general partner or proprietor if the 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 (CBOD)"** 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 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 waste streams from any portion of a non-domestic waste discharger's pretreatment facility and consistent with the language contained in CRF Pat403.17.
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 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. **"Commissioners"** 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 Non-Domestic Waste 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 Commissioners 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. **"Fats, Oils, & Grease (FOG)"** Fats, oils and greases (FOG) shall mean a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other materials that are extracted by a solvent from an acidified sample that are not volatilized during the laboratory test procedures. This includes both polar (animal or vegetable in origin) and non-polar (Total Petroleum Hydrocarbons) substances. Oils and Greases are more specifically defined by the standard method used for their determination.
28. **"FOG Control Device"** shall mean any interceptor, grease trap, or other mechanism, device, or process which attaches to or is applied to wastewater plumbing fixtures and lines, the purpose of which is to trap or collect FOG prior to it being discharged into the POTW.
29. **"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.
30. **"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.
31. **"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.

32. **"General Pretreatment Regulations"** shall mean 'General Pretreatment Regulations for Existing and New Sources', 40 CFR Part 403, as amended. See a/so, Title 327 IAC, Article 5, *et seq.*
33. **"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.
34. **"Groundwater Remediation Discharge"** shall mean the discharge or introduction of contaminated groundwater originating from an approved groundwater remediation project into the wastewater treatment system.
35. **"Grease Interceptor"** shall mean a device located inside a food service facilities or under a sink designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the POTW system by gravity.
36. **"Grease Trap"** shall mean a device located underground and outside a food service facility designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the POTW system by gravity.
37. **"Heat Pump Discharge"** shall mean water discharged from a heat pump or other device that uses water as a heat source or heatsink.
38. **"IDEM"** shall mean the Indiana Department of Environmental Management.
39. **"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).
40. **"Non-Domestic Wastes Discharger"** shall mean any user of the wastewater treatment system who discharges, causes or permits the discharge of non-domestic wastewater into HSD's wastewater collection system.
41. **"Non-Domestic Waste"** shall mean all non-domestic 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.
42. **"Non-Domestic Wastewater"** shall mean a combination of liquid and water-carried non-domestic waste discharged from any establishment and resulting from any trade or process carried on in that establishment, including the

wastewater from pretreatment facilities and polluted cooling water.

43. **"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.
44. **"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.
45. **"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.
46. **"Lift Station"** shall mean any arrangements of pumps, valves and controls that lifts wastewater to a higher elevation.
47. **"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 Ordinance, HSD issued discharge permit, or categorical pretreatment standard promulgated by USEPA.
48. **"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.
49. **"NH3-N"** shall mean the same as ammonia nitrogen measured as ammonia.

50. **"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.
51. **"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.
52. **"Natural Outlet"** shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.
53. **"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 54(a)(ii), or 54(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.
54. **"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.
55. **"Nonindustrial User"** shall mean all users of the wastewater treatment system not included in the definition of "Non-Domestic Waste Discharger".
56. **"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.
57. **"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.
58. **"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.
59. **"pH"** shall mean the negative logarithm of the concentration of hydrogen ions in solution.
60. **"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.

61. **"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.
62. **"Pollution"** shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
63. **"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).
64. **"Pretreatment Coordinator"** shall mean the person authorized by the Board of Commissioners to implement and enforce the provisions of this Ordinance, including, but not limited to, conducting onsite inspections authorized by this Ordinance; preparing draft Non-Domestic Waste Discharge Permits; issuing, when appropriate, notices of violation, cease and desist orders, and civil penalties and surcharges; and taking emergency action to abate violations of this Ordinance or an Non-Domestic Waste Discharge Permit issued hereunder which pose an imminent threat to the health and/or safety of any person or substantial harm to the environment.
65. **"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 regulation.
66. **"Pretreatment Requirements"** shall mean any substantive or procedural requirement related to Pretreatment other than a Pretreatment Standard, imposed on an Industrial User.
67. **"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.
68. **"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.
69. **"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.

70. **"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.
71. **"Publicly Owned Treatment Works or POTW"** shall mean a "treatment works", as defined by Section 212 of the Act (33 u s c · 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.
72. **"Sanitary Sewer"** shall mean a sewer which carries wastewater and to which storm, surface and ground waters are not intentionally admitted.
73. **"Sewage"** shall mean wastewater.
74. **"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.
75. **"Sewer"** shall mean a pipe or conduit for carrying wastewater or storm water.
76. **"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.
77. **"Shall"** is mandatory; **"may"** is permissive
78. **"Significant Industrial User"** shall mean: 1) any Categorical Industrial User (CIU); 2) any other Non-Domestic Wates Discharger 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 HSD, State of Indiana or the USEPA to have significant impact, either by itself or in combination with other contributing dischargers, 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 discharger meeting the above criteria has no reasonable potential for adversely affecting the wastewater treatment system of the HSD or for

violating any pretreatment standard or requirement, the HSD may at any time, upon its own initiative or in response to a petition received from a non-domestic waste discharger, and in accordance 40 CFR 403.8(f) (6), determine that such an industrial user is not a significant industrial user.

79. **"Significant Noncompliance (SNC)"** shall mean a Non-Domestic Waste Discharger's 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 HSD determines will adversely affect the operation and implementation of the local pretreatment program.

80. **"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 & C of this ordinance.
81. **"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.
82. **"State"** shall mean the State of Indiana.
83. **"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 15.
84. **"Standard Methods"** shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association and the Water Pollution Control Federation.
85. **"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.
86. **"Storm Water"** shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.
87. **"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.
88. **"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.
89. **"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.
90. **"Unpolluted Water"** shall mean water of a 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.
91. **"Upset"** shall mean an exceptional incident in any Non-Domestic Waste

Discharger's facility, in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of that 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.

92. **"User"** shall mean any person who contributes, causes or permits the contribution of wastewater into the HSD's wastewater system.
93. **"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.
94. **"Domestic Wastewater"** shall mean the wastewater normally 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.
95. **"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.
96. **"Wastewater Treatment System"** shall mean all facilities for collecting, pumping, treating and disposing of wastewater.
97. **"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:

BOD ₅ :	Biochemical Oxygen Demand
cBOD ₅ :	Carbonaceous Biochemical Oxygen Demand
CFR:	Code of Federal Regulations
CIU:	Categorical Industrial User
CWA:	Clean Water Act
EPA:	United States Environmental Protection Agency
GSD:	Gary Sanitary District
HSD:	Hobart Sanitary and Stormwater District
IDEM:	Indiana Department of Environmental Management
ISBH:	Indiana State Board of Health
IU:	Industrial User
L or l:	Liter
mg:	Milligrams

mg/L:	Milligrams per Liter
NH3-N:	Ammonia Nitrogen
NPDES:	National Pollutant Discharge Elimination System
O & M:	Operations and Maintenance
POTW:	Publicly Owned Treatment Works
RCRA:	Resource Conservation and Recovery Act
SIC:	Standard Industrial Classification
SIU:	Significant Industrial User
SNC:	Significant Non-compliance
SWDA:	Solid Waste Disposal Act, 42 USC <i>et seq.</i>
TRC:	Technical Review Criteria
TSS:	Total Suspended Solids
U.S.EPA:	United States Environmental Protection Agency
40 CFR 136:	U.S. EPA approved "Guidelines Establishing Test Procedures for the Analyses of Pollutants"
330 IAC 5-12-2:	"Regulations for National Pretreatment Standards for Prohibited Discharges"

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 of the City of Hobart and the resolutions, rules, and regulations of the HSD.
2. Except where a valid NPDES permit exists for the collection and/or treatment of their wastewater by someone other than the HSD, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within HSD and abutting any street, alley, or right-of-way in which there is now located or may in the future be located a HSD sewer, is hereby required at his/her expense to connect such facilities directly with the HSD 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 HSD sewer is within three hundred (300) feet (91.5 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.
3. No connection shall be made to any part of the HSD sewer system without the prior written approval of the HSD.
4. The HSD may establish any reasonable and appropriate rules, regulations, policies, requirements, and standards for connecting to the HSD sewer system so as to protect the sewer system; verify sufficient capacity in the sewer system to accommodate each connection's projected discharge; to promote the expansion of the sewer system so as to increase the protection of the health, safety, and welfare of the citizens of Hobart and improve property values; and to comply with all federal, state, and local laws, rules, and regulations.

B. GENERAL DISCHARGE PROHIBITIONS

1. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
2. 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.
3. 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 HSD 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 HSD's Wastewater Treatment System including, but not limited to, waste streams with a closed cup flashpoint of less than 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 HSD 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, waste streams 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.
 - c. 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.
 - d. 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;
 - e. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

- f. Pollutants which result in the presence of toxic gases, vapors, or fumes in the POTW in a quantity that will cause acute worker health and safety problems;
- g. 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;
- h. 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;
- i. 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;
- j. Any substance that will cause the wastewater treatment plant to violate its NPDES permit or the receiving stream's water quality standards;
- k. 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.
- l. Detergents, surface-active agents, or other substances which may cause excessive foaming in the wastewater treatment system.
- m. 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.
- n. Polychlorinated biphenyls (PCBs) in any detectable concentrations.
- o. Unpolluted water except as provided in Section IV.

- p. 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 and/or treatment process upset and subsequent loss of treatment efficiency.
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.

D. NATIONAL CATEGORICAL PRETREATMENT STANDARDS

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

1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, HSD may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, HSD shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
3. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13 that factors relating to its discharge are fundamentally difference from the factors considered by EPA when developing the categorical pretreatment standard.
4. A user may obtain a new gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

E. STATE PRETREATMENT STANDARDS

State of Indiana pretreatment standards located at "327 IAC 5 – Industrial Wastewater Pretreatment Programs and NPDES" are hereby incorporated herein.

F. LOCAL LIMITS

1. No person shall discharge or cause to be discharged a wastewater which has a value which exceeds the specific pollutant limitation shown in Table 1. Non-Domestic waste dischargers must report results for the parameters listed where there are no set limitations.
2. The limits in Table 1 apply at the point where the wastewater is discharged to the POTW. HSD may impose mass limitation in addition to, or in place of, the concentration-based limitations in Table 1.
3. Non-Domestic Waste Dischargers are required to comply with applicable Pretreatment Standards. Enforcement of compliance is achieved through permits or other control mechanisms described in 40 CFR 403.8(f)(1)(iii). HSD has the right to deny new or increased contributions of pollutants or change in the nature of pollutants if such constructions do not meet Pretreatment Standards.

TABLE I
SPECIFIC POLLUTANT LIMITATIONS

<u>POLLUTANT</u>	<u>SAMPLE TYPE</u>	<u>MAXIMUM DAILY CONCENTRATION (mg/l)</u>
Ammonia Nitrogen	24 hr. Composite	25
cBOD	24 hr. Composite	170
Phosphorus	24 hr. Composite	7
Total Suspended Solids	24 hr. Composite	200
Arsenic	24 hr. Composite	0.037
Cadmium	24 hr. Composite	0.14
Chromium (Total)	24 hr. Composite	0.48
Chromium (hexavalent)	24 hr. Composite	0.33
Copper	24 hr. Composite	0.47
Cyanide	Grab	0.058
Iron	24 hr. Composite	16.7
Lead	24 hr. Composite	0.078
Mercury	Grab	0.0009
Molybdenum	24 hr. Composite	2.0
Nickel	24 hr. Composite	2.5
Selenium	24 hr. Composite	0.8
Silver	24 hr. Composite	0.1
Zinc	24 hr. Composite	1.2
pH	Grab	5.5 - 9
Phenols	Grab	0.7
Oil and Grease	Grab	60
Chlorides	24 hr. Composite	Report
Fluorides	24 hr. Composite	12.02
Sulfate	24 hr. Composite	Report
Total Dissolved Solids	24 hr. Composite	Report
Benzene	Grab	0.05
BTEX (sum total)	Grab	0.75

3. Grease Interceptors

- a. 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 effect 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.

- b. 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 HSD. 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.
- c. 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 individual private living quarters.

G. HSD'S RIGHT OF REVISION

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

H. EXCESSIVE DISCHARGE / DILUTION PROHIBITION

- 1. Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no Non-Domestic Waste Dischargers 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.
- 2. The HSD and/or GSD may impose mass limitations on Non-Domestic Waste Dischargers which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

SECTION III

PRETREATMENT OF WASTEWATER

A. PRETREATMENT FACILITIES

1. Non-Domestic Waste Dischargers shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section II of this Ordinance within the time limitations specified by EPA, the State of Indiana, or HSD, whichever is more stringent. Any facility necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to HSD for review, and shall be acceptable to HSD before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to HSD under the provisions of this Ordinance.

B. ADDITIONAL PRETREATMENT MEASURES

1. Whenever deemed necessary, HSD may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharges, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
2. HSD may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
3. Grease, oil, and sand interceptors shall be provided when, in the opinion of HSD, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for individual residential users. All interception units shall be of type and capacity approved by HSD and shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

C. ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

1. At least once every two (2) years, HSD shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. HSD may require any such user to develop, submit for approval, and implement such a plan. Alternatively, HSD may develop such a plan for any such user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying HSD of any accidental or slug discharge, as required by Section VI(F) of this Ordinance; and
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION IV

WASTEWATER DISCHARGE PERMIT APPLICATION

A. WASTEWATER ANALYSIS

1. When requested by HSD, a non-domestic waste discharger must submit information on the nature and characteristics of its wastewater within 30 days of the request. HSD is authorized to prepare a form for this purpose and may periodically require such users to update this information.

B. INDUSTRIAL WASTEWATER DISCHARGE PERMITS REQUIRED

1. All Non-Domestic Waste Dischargers proposing to connect to or discharge into a HSD sewer must complete an application for a "Non-Domestic Waste Discharge 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 a Non-Domestic Waste Discharge Permit, must complete an application for a Non-Domestic Waste Discharge Permit within a reasonable time not to exceed thirty (30) days after the effective date of this Ordinance.
3. 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 Ordinance or Non-Domestic Waste Discharge Permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Ordinance.
4. Any violation of the terms and conditions of a Non-Domestic Waste discharge permit shall be deemed a violation of this Ordinance and subject the permittee to the sanctions set forth in Sections X through XII of this Ordinance. Obtaining a Non-Domestic Waste Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

C. WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS

Any user required to obtain a Non-Domestic Waste Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within 30 days after said effective date, apply to the HSD for a Non-Domestic Waste Discharge Permit in accordance with Section IV, Paragraph E of this Ordinance, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this Ordinance except in accordance with a Non-Domestic Waste Discharge Permit issued by HSD.

D. WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS

Any user required to obtain a Non-Domestic Waste Discharge Permit who proposed to begin or recommence discharging into the POTW must obtain such Permit prior to the beginning or recommencing of such discharge. An application for this Non-Domestic Waste Discharge Permit,

in accordance with Section IV, Paragraph E of this Ordinance, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

E. NON-DOMESTIC WASTE DISCHARGE PERMIT APPLICATION CONTENTS

1. The HSD shall have the authority to prescribe a "Non-Domestic Waste Discharge Permit" application form. The application form may require the following information:
 - a. Name and address of the facility, including the name of the operator and owner.
 - b. A list of any environmental control permits held by or for the facility.
 - c. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated process.
 - d. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e);
 - e. The wastewater characteristics, including, but not limited to, BOD, suspended solids, ammonia, and pH;
 - f. Time and duration of discharges, including a description of daily, weekly, and seasonal variations in discharges;
 - g. Location of building drain and/or building sewer;
 - h. Pretreatment standards applicable to the discharge;
 - i. Type and amount of raw materials processed (average and maximum per day);
 - 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 facility's required costs (capital and operation and maintenance), and analysis of the feasibility of 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 to be necessary to evaluate the Non-Domestic Waste Discharge Permit application.
2. The "Non-Domestic Waste Discharge 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 penalty 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) and all amendments thereto.

F. NON-DOMESTIC WASTE DISCHARGE PERMIT DECISIONS

1. HSD will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete application, HSD will determine whether or not to issue a Non-Domestic Waste Discharge Permit. HSD may deny any application for a discharge permit.

SECTION V

NON-DOMESTIC WASTE DISCHARGE PERMIT ISSUANCE PROCESS

A. TERM OF NON-DOMESTIC WASTE DISCHARGE PERMITS

1. A "Non-Domestic Waste Discharge 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 Permit shall apply to the HSD for renewal of the Permit at least one-hundred eighty (180) days prior to the expiration of said Permit.

B. CONDITIONS FOR ISSUANCE OF A NON-DOMESTIC WASTE DISCHARGE PERMIT

1. The HSD may prescribe conditions to the "Non-Domestic Waste Discharge Permit" which may include the following:
 - a. Applicable federal and/or state laws, regulations or orders;
 - b. Limits on the wastewater characteristics in addition to those contained in this Ordinance, 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;
 - c. The unit charge or schedule of user charges and fees for the waste water to be discharged to a HSD sewer, as established by the Board and approved by the Common Council when required by law;
 - d. Limits on the average and maximum wastewater constituents and characteristics;
 - e. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 - f. Requirements for installation and maintenance of inspection and sampling facilities;
 - g. Self-monitoring sampling, reporting, notification, and record keeping requirements, including an identification of the pollutants to be monitored, sampling locations, frequency of sampling, number, types and standards for tests;;
 - h. Compliance schedules;
 - i. Requirements for submission of technical reports or discharge reports;
 - j. 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;

- k. 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;
- l. Requirements for notification of slug discharges;
- m. A statement that indicates the duration of the Non-Domestic Waste Discharge Permit which in no event shall exceed five (5) years;
- n. A statement that the Non-Domestic Waste Discharge Permit is nontransferable without prior notification to and approval of the HSD and provisions for furnishing the new owner or operator with a copy of the existing Non-Domestic Waste Discharge Permit;
- o. A statement of HSD's available remedies against a person for violation of the Permit, 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
- p. Other conditions as deemed appropriate by the HSD to ensure compliance with this Ordinance.

C. NON-DOMESTIC WASTE DISCHARGE PERMIT APPEALS

1. HSD shall provide public notice of the issuance of a Non-Domestic Waste Discharge Permit. Any person, including the user, may petition HSD to reconsider the terms of such a Permit within 15 days of notice of its issuance.
 - a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - b. In its petition, the appealing party must indicate the Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Permit.
 - c. The effectiveness of the Permit shall not be stayed pending the appeal.
 - d. If HSD fails to act within 10 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider issuing a Non-Domestic Waste Discharge Permit, not to issue such a Permit, or not to modify such a Permit shall be considered final administrative actions for purposes of judicial review.
 - e. Aggrieved parties seeking judicial review of a final administrative Non-Domestic Waste Discharge Permit decision must do so by filing a complaint with a court of competent jurisdiction in Lake County, Indiana within 30 days of the final decision.

D. NON-DOMESTIC WASTE DISCHARGE PERMIT MODIFICATIONS

1. HSD may modify a Non-Domestic Waste Discharge Permit for good cause,

including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of Permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to HSD's POTW, HSD personnel, or the receiving waters;
- e. Violation of any terms or conditions of the Permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- h. To correct typographical or other errors in the Permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator.

E. NONASSIGNABILITY OR TRANSFERABILITY OF PERMIT

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

F. REVOCATION OF NON-DOMESTIC WASTE DISCHARGE PERMIT

1. The HSD may revoke a user's Non-Domestic Waste Discharge Permit for good cause, including, but not limited to, any of the following:
 - a. Failure to notify HSD of significant changes to the wastewater prior to the changed discharge.
 - b. Failure to provide notification to HSD of changed conditions;
 - c. Misrepresentation or failure to disclose all relevant facts in the Permit application;
 - d. Falsifying self-monitoring reports;
 - e. Tampering with monitoring equipment;

- f. Refusal of reasonable access to the Permittee's premises for the purpose of review of records, inspection, or monitoring;
 - g. Failure to meet effluent limitations;
 - h. Failure to pay penalties;
 - i. Failure to pay sewer charges;
 - j. Failure to meet compliance schedules;
 - k. Failure to complete a wastewater survey or the Permit application;
 - l. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
 - m. Violation of any pretreatment standard or requirement, or any conditions of the Permit or this Ordinance.
2. Permits shall be voidable upon cessation of operations or transfer of business ownership. All Permits issued to a particular user are void upon the issuance of a new Permit to that user.
 3. Except in cases of willfulness or those in which the public health interest or safety requires otherwise, the revocation, withdrawal or suspension of an user's Non-Domestic Waste Discharge Permit is lawful only if, before the institution of proceedings thereof, the Permittee has been given notice by the HSD, in writing, of the facts or conduct which may warrant the action.

G. EMERGENCY SUSPENSION OF A USER'S WASTEWATER DISPOSAL SERVICE AND/OR SUSPENSION OF A NON-DOMESTIC WASTE DISCHARGE PERMIT

1. Notwithstanding any other provision of this Ordinance, the HSD may, without notice or hearing, suspend a user's wastewater treatment service and/or the user's Non-Domestic Waste Discharge 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.
2. Any Industrial User notified of a suspension of the wastewater treatment service and/or the "Industrial Waste Discharge 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.

3. The HSD shall reinstate the "Industrial Waste Discharge 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 HSO'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.

H. FEES FOR INDUSTRIAL WASTEWATER DISCHARGE PERMITS

1. Pursuant to federal law, in order to raise sufficient funds to fund the HSD Industrial Pretreatment Program as specified herein, the HSD shall charge fair and equitable fees to reimburse the HSD for the labor, vendor, equipment, and consultant costs and expenses it incurs in monitoring compliance with and implementation of the Program.
2. The City shall establish appropriate, fair, and equitable fees to be charged for connection to the City's sewer systems.

I. REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS

1. If another municipality, or user located within another municipality, contributes wastewater to the POTW, HSD shall enter into an intermunicipal agreement with the contributing municipality.
2. Prior to entering into an agreement, HSD shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as HSD may deem necessary.
3. An intermunicipal agreement shall contain the following conditions:
 - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section II, paragraph F of this Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Hobart's Ordinance or local limits;
 - b. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - c. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these

activities will be conducted by HSD; and which of the activities will be conducted jointly by the contributing municipality and HSD;

- d. A requirement for the contributing municipality to provide HSD with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing municipality's discharge;
- g. A provision ensuring HSD access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by HSD; and
- h. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

SECTION VI

REPORTING REQUIREMENTS

A. BASELINE MONITORING REPORT

1. 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 HSD a report containing the following information as required by 40 CFR 403.12(b) and listed in paragraphs 2-7 below. Where reports containing this information already have been submitted to HSD 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 HSD a report which contains the information listed in paragraph 2 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.
2. Users described above shall submit the information set forth below:
 - a. Identifying Information. The Industrial User shall submit the name and address of the facility including the name of the operator and owners.
 - b. Permits. The Industrial User shall submit a list of any environmental control permits held by or for the facility.
 - c. 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.
 - d. Flow Measurement. Information showing the measured averagedaily and maximum daily flow, in gallons per day, to the wastewater treatment system from each of the following:
 - i. All regulated process streams; and
 - ii. Other streams as necessary to allow use of the combinedwaste 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.

- e. **Measurement of Pollutants.** The pretreatment standards are measured according to 40 CFR 403.12(b) (5).
 - i. The categorical pretreatment standards applicable to each regulated process.
 - ii. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by HSD, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section VI, paragraph K of this Ordinance.
 - iii. Sampling must be performed in accordance with procedures set out in Section VI (K) of this Ordinance.
- f. **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 & M) and/or additional pre-treatment is required for the Industrial User to meet the pretreatment standards and requirements as set forth in 40 CFR 403.12(b) (6).
- g. **Compliance Schedule.** If additional pretreatment and/or O & M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section VI (B) of this Ordinance.
- h. **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).

B. COMPLIANCE SCHEDULE PROGRESS REPORTS

The following conditions shall apply to the compliance schedule required by Section VI (A)(2)(g) of this Ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation);
2. No increment referred to above shall exceed nine (9) months;

3. The user shall submit a progress report to HSD no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
4. In no event shall more than nine (9) months elapse between such progress reports to HSD.

C. REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

1. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater in the POTW, any user subject to such pretreatment standards and requirement shall submit to HSD a report containing the information described in Section VI(A)(2) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section IV, paragraph C(2) of this Ordinance.

D. PERIODIC COMPLIANCE REPORTS

1. All significant industrial users shall, at a frequency determined by HSD but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section IV(C)(2) of this Ordinance.
2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
3. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by HSD, using the procedures prescribed in Section VI, paragraph K of this Ordinance, the results of this monitoring shall be included in the report.

E. REPORTS OF CHANGED CONDITIONS

Each non-domestic waste discharger must notify HSD of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at

least 30 days before the change.

1. HSD may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a non-domestic waste discharge permit application under Section IV, paragraph C of this Ordinance.
2. HSD may issue a Non-Domestic Waste Discharge Permit under Section IV, paragraph D of this Ordinance or modify an existing Permit under Section V, paragraph D of this Ordinance in response to changed conditions or anticipated changed conditions.
3. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

F. REPORTS OF POTENTIAL PROBLEMS

1. In case of an accidental discharge, it is the responsibility of the non-domestic waste discharger 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 non-domestic waste discharger shall notify the HSD and GSD, within two (2) hours of the discharger obtaining knowledge, if it is unable to comply with any requirement of this Ordinance 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 non-domestic waste discharger 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 discharger 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 civil penalties, surcharges, or other liability which may be imposed by this Ordinance or other applicable law.

5. In any enforcement proceeding the non-domestic waste discharger seeking to establish the occurrence of an upset shall have burden of proof. An discharger 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 discharger 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 discharger 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 non-domestic waste discharger'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.

G. REPORTS FROM UNPERMITTED USERS

1. All users who are not required to obtain a wastewater discharge permit shall provide appropriate reports to HSD as HSD may require.

H. NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING

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

I. NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar

month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place not later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph needs to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section VI, paragraph E of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Section VI, paragraph A, C, and D of this Ordinance.

2. Discharges are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33 (e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the HSD, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
4. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

J. ANALYTICAL REQUIREMENTS

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

K. SAMPLE COLLECTION

1. Except as indicated in Paragraph 2, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, HSD may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

L. TIMING

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

M. INDUSTRIAL USERS' RECORD KEEPING REQUIREMENTS

1. Any non-domestic waste discharger subject to the reporting requirements established in this Ordinance shall maintain records of all information resulting from any monitoring activities required by this Ordinance, including documentation associated with Best Management Practices. 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 user subject to the reporting requirements established in this Ordinance 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 discharger, HSD and/or GSD; or as requested by USEPA, IDEM, HSD and/or GSD.

SECTION VII

COMPLIANCE MONITORING

A. INSTALLATION AND MAINTENANCE AT NON-DOMESTIC DISCHARGER'S EXPENSE

1. HSD may require, as is necessary to carry out the requirements of this Ordinance, 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 discharger's expense. Equipment shall be maintained at all times in a safe and proper operating condition.

B. RIGHT OF ENTRY: INSPECTION AND SAMPLING

1. Whenever required to carry out the objectives of this Ordinance or of any issued Non-Domestic Waste Discharge Permit, the authorized representative of the 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 anytime.
2. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user that the written or verbal request of HSD and shall not be replaced. The costs of clearing such access shall be borne by the user.
3. Unreasonable delays in allowing HSD access to the user's premises shall be a violation of this Ordinance.

C. SEARCH WARRANTS

1. If the authorized representatives of HSD have been refused access to a 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 Ordinance or that there is the need to inspect as a part of routine inspection program of the HSD designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then upon application to the appropriate Court, the authorized representatives of HSD may seek a search and seizure warrant describing therein the specific location subject to the warrant. The request by HSD'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 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.

SECTION VIII

CONFIDENTIAL INFORMATION

- A. The HSD shall protect any information (other than effluent data) contained in the permit 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 HSD.
- B. Information accepted by the HSD with a claim for confidentiality shall be safeguarded by the 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 HSD. A determination of confidentiality shall be made by the HSD pursuant to regulation used by IDEM.
- C. This section shall not apply to USEPA and IDEM which shall have immediate and unlimited access to any and all information collected by the HSD in accordance with their pretreatment programs.

SECTION IX

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

- A. HSD shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:
1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH);
 3. Any other discharge violation that HSD believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or general public;
 4. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in HSD exercise of its emergency authority to halt or prevent such a discharge;
 5. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
 6. Failure to provide with thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; or
 8. Any other violation(s) which HSD determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION X
ADMINISTRATIVE ENFORCEMENT REMEDIES

A. NOTIFICATION OF VIOLATION

1. When HSD finds that a user has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, HSD may serve upon that user a written Notice of Violation. Within 15 days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to HSD. Submission of this plan in no way relieves the user of liability for any liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of HSD to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

B. CONSENT ORDERS

1. HSD may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section X, paragraphs D and E of this Ordinance and shall be judicially enforceable.

C. SHOW CAUSE HEARING

1. HSD may order any user which has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, to appear before HSD and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

D. COMPLIANCE ORDERS

1. When HSD finds that a user has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, HSD may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a

pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

E. CEASE AND DESIST ORDERS

1. When HSD finds that a user has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, HSD may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - a. Immediately comply with all requirements; and
 - b. Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
 - c. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

F. ADMINISTRATIVE PENALTIES

1. When HSD finds that a user has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, HSD may impose a civil penalty upon such user in an amount not to exceed \$2,500. Such penalty shall be assessed per violation, per day. In the case of monthly or other long term average discharge limits, the penalty may be assessed for each day during the period of violation.
2. Unpaid charges and penalties shall, after 30 calendar days, be assessed an additional penalty of 10 percent of the unpaid balance, and interest shall accrue thereafter at a rate of 1 percent per month. A lien against the user's property will be sought for unpaid charges and penalties.
3. Users desiring to dispute such penalties must file a written request for HSD to reconsider the penalty along with full payment of the penalty amount within 15 days of being notified of the penalty. Where a request has merit, HSD may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. HSD may add the costs of preparing administrative enforcement actions, such as notices and orders, to the penalty.
4. Issuance of any administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

G. EMERGENCY SUSPENSIONS

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

2. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, HSD may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. HSD may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of HSD that the period of endangerment has passed, unless the termination proceedings in Section X, paragraph H of this Ordinance are initiated against the user.
3. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to HSD prior to the date of any show cause of termination hearing under Section X, paragraphs C or H of this Ordinance.
4. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. TERMINATION OF DISCHARGE

1. In addition to the provisions in Section V, paragraph F of this Ordinance, any user who violates the following conditions is subject to discharge termination:
 - a. Violation of discharge permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;
 - d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
 - e. Violation of the pretreatment standards in Section II of this Ordinance.
2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section X, paragraph C of this Ordinance why the proposed action should not be taken. Exercise of this option by HSD shall not be a bar to, or a prerequisite for, taking any other action against the user.

I. LIABILITY FOR DAMAGE AND ATTORNEY FEES

If any person violates this Ordinance, a discharge permit, 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 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 fees, and/or other reasonable costs

incurred as a result of such discharges; and

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

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

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

J. DUTY TO MITIGATE: PREVENTION OF ADVERSE IMPACT

All users of the City's sanitary sewer system 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.

K. ENFORCEMENT OF SANCTIONS AGAINST NON-DOMESTIC WASTE DISCHARGERS FOR VIOLATIONS OF PRETREATMENT STANDARDS, PERMIT, AND REGULATIONS

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

Notwithstanding any other provision of this Ordinance, any person, who violates any provision or discharge limit of this Ordinance or of their issued discharge permit, may be assessed an administrative surcharge by the HSD in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per violation. The HSD may enforce collection of any such charges by any means authorized by the law, including, but not limited to, water shut-off, termination of sewer service, lien on the violator's property, or litigation in a court of competent jurisdiction.

This administrative charge is being enacted in recognition of the following facts:

- a. That federal and state laws set discharge limitations, pretreatment standards and regulations, and require Pretreatment Programs.
- b. That a violation requires GSD and/or HSD to incur additional administrative costs necessary to track, assess and report on such violations; and,
- c. 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 shall implement the terms, procedures, and conditions of the Enforcement Response Guide (*hereinafter*, ERG), which is attached hereto as EXHIBIT B.

Enforcement of this Ordinance and discharge permits shall be according to the procedures outlined in the HSD ERG. HSD shall have all of the powers and rights set forth in the ERG to enforce this Ordinance. All provisions of the ERG shall apply to all of HSD's non-domestic waste dischargers.

3. HSD's other Remedies

In response to a user's violation of this Ordinance 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 this Ordinance.
- c. Pursue such other legal action at law or at equity, which the HSD may deem appropriate and which may be provided by statute or common law to the HSD, including, but not limited to, injunctive relief and disconnection of a violator.

SECTION XI

JUDICIAL ENFORCEMENT REMEDIES

A. INJUNCTIVE RELIEF

When HSD finds that a user has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, HSD may petition a court of competent jurisdiction in Lake County, Indiana for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by this Ordinance on activities of the user. HSD may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. CIVIL PENALTIES

1. A user who has violated, or continues to violate, any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement shall be liable to HSD for a maximum civil penalty of \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. HSD may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by HSD.
3. In determining the amount of civil liability, the HSD and Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against or a prerequisite for, taking any other action against a user.

C. CRIMINAL PROSECUTION

A user who willfully or negligently violates any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement; willfully or negligently introduces any substance into the POTW which causes personal injury or property damage; or knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, discharge permit, or an order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance may be subject to federal or state prosecution to the extent such conduct violates one or more federal or state criminal laws.

D. REMEDIES NOT EXCLUSIVE

The remedies provided for in this Ordinance are not exclusive. HSD may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with HSD's enforcement response plan. However, HSD may take

other action against any user when the circumstances warrant. Further, HSD is empowered to take more than one enforcement action against any noncompliant user.

SECTION XII

SUPPLEMENTAL ENFORCEMENT ACTION

A. PERFORMANCE BONDS

HSD may decline to issue or reissue a discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to HSD in a sum not to exceed a value determined by HSD to be necessary to achieve consistent compliance.

B. LIABILITY INSURANCE

HSD may decline to issue or reissue a discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

C. WATER SUPPLY SEVERANCE

Whenever a user has violated or continues to violate any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed at the user's expense. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

D. PUBLIC NUISANCES

A violation of any provision of this Ordinance, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement, is hereby declared to be a public nuisance and shall be corrected or abated as directed by HSD. Any person(s) creating a public nuisance shall be subject to the provisions of Indiana law governing such nuisances, including reimbursing HSD for any costs incurred in removing, abating, or remedying said nuisances.

E. CONTRACTOR LISTING (OPTIONAL)

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the HSD.

SECTION XIII

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

A. UPSET

1. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or discharge permit standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment or discharge permit standards if the requirements of paragraph 3 below are met.
3. A 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 user can identify the cause(s) of the upset;
 - b. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - c. The user has submitted the following information to HSD within twenty-four (24) hours of becoming aware of the upset (**if this information is provided orally, a written submission must be provided within five (5) days**):
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users will have the opportunity for a judicial determination of any claim in upset only in an enforcement action brought for noncompliance with categorical pretreatment standards or discharge permit standards.
6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and discharge permit standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

B. PROHIBITED DISCHARGE STANDARDS

1. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions or the specific prohibitions in Section II of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge,

alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- a. A local limit exists for each pollutant discharge and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or
- b. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when GSD was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

C. BYPASS

1. For the purpose of this section,
 - a. "Bypass", means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - b. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. A user may allow any bypass to occur which does not cause pretreatment or discharge permit standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.
3. If a user knows in advance of the need for a bypass, it shall submit prior written notice to HSD, at least ten (10) days before the date of the bypass, if possible.
4. A user shall submit oral notice to HSD of an unanticipated bypass that exceeds applicable pretreatment or discharge permit standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. HSD may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
5. Bypass is prohibited, and HSD may take an enforcement action against a user for a bypass, unless,
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

- c. The user submitted notices as required under paragraph 3 of this section.
6. HSD may approve an anticipated bypass, after considering its adverse effects, if HSD determines that it will meet the conditions stated in sub-paragraph (2) of this sub-section B.

SECTION XIV

WASTEWATER TREATMENT RATES

RESERVED

SECTION XV

MISCELLANEOUS PROVISIONS

A. PRETREATMENT CHARGES AND FEES

1. HSD shall adopt reasonable fees for reimbursement of costs of operating and implementing the HSD Pretreatment Program which may include;
 - a. Fees for wastewater discharge permit applications, including the cost of processing such applications;
 - b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
 - c. Fees for reviewing and responding to accidental discharge procedures and construction;
 - d. Fees for filing appeals; and
 - e. Other fees as HSD may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Ordinance and are separate from all other fees, charges, and penalties chargeable by HSD.
3. The "Pretreatment Program Fees" contained in Exhibit A, attached hereto, are in effect as of the date of this Ordinance. These fees shall be included in the City's Schedule of Fees and may be adjusted from time to time by HSD from time to time so as to raise sufficient funds to adequately compensate HSD as stated above.
 - a. All fee shall be paid to HSD and shall be due within twenty (20) days from the date of the invoice.
 - b. Failure to remit a fee within ten (10) days of the due date shall result in the assessment of a delinquency charge equal to ten percent (10%) of the fee.
 - c. Failure to remit a fee and any applicable delinquency charge within thirty (30) days of the date in which the fee is due may result in the revocation of a discharge permit. A Permittee whose "Industrial Waste Discharge Permit" is revoked for non-payment of fees must apply for a new "Industrial Waste Discharge Permit" to obtain another permit.

B. SEVERABILITY

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

C. RULES AND REGULATIONS

After the passage of this Ordinance 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 Ordinance not inconsistent therewith.

Hobart Sanitary and Stormwater District
 Fee Basis For Industrial Pretreatment Program Permits and Excess Strength Surcharges

Consultant hourly rate \$120
 Staff hourly rate \$50

FOG Permit - Two year term

TASK	STAFF TIME (HOURS)	CONSULT TIME	COST
Review application, plans, calculations	1		
Record keeping/administrative tasks for initial permit and maintenance records	0.5		
Site Inspection – first year	0.5		
Site Inspection – second year	0.5		
TOTAL	2.5		\$ 125.00

Industrial User Permit - Five year term

TASK	INITIAL TIME		COST	ANNUAL TIME		COST
	STAFF	CONSULT		STAFF	CONSULT	
Initial application review	1	1				
Baseline monitoring report	0	1				
Compliance monitoring reports (semiannual)	0	1			1	
Record keeping/administrative tasks	1	0		1		
Semiannual inspections	1	1		1	1	
TOTAL	3	4	\$ 630.00	2	2	\$ 340.00

Fees

FOG Permit Application Fee (2-year term) \$ 125.00
 Industrial User Initial Permit Fee (5-year term) \$ 630.00
 Industrial User Annual Fee \$ 340.00

Schedule of Loading Surcharges (based on fees paid to GSD)

CBOD for concentrations greater than 170 mg/l \$0.15/pound
 Suspended solids for concentrations greater than 200 mg/l \$0.33/pound
 Ammonia for concentrations greater than 25 mg/l \$0.17/pound
 Phosphorus for concentrations greater than 7 mg/l \$1.90/pound