

SEWER USE ORDINANCE NO. 2012-4-1

BE IT ORDAINED BY THE BOARD OF THE ALLEN COUNTY
REGIONAL WATER AND SEWER DISTRICT:

SECTION I. GENERAL PROVISIONS

A. PURPOSE AND POLICY

An ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Allen County Regional Water and Sewer District (the "District"), and providing penalties for violations thereof.

B. OBJECTIVES

1. To prevent the introduction of pollutants into the District's Wastewater Collection Systems which will interfere with the normal operation of the Wastewater Treatment Plant, or contaminate the resulting sludge, or result in excessive strength surcharges from third parties that treat the District's wastewater;
2. To prevent the introduction of pollutants into the District's wastewater collection systems which do not receive adequate treatment in the Wastewater Treatment Plant, and which will otherwise pass through the Plant into receiving waters or the atmosphere;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. To prevent the introduction of Infiltration and Inflow into the District's collection system which will occupy capacity reserved for community growth.

This ordinance provides for the regulation of discharges into the District's wastewater system through the issuance of industrial discharge permits, the execution of special agreements, and the enforcement of administrative regulations.

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

C. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

1. “ACRWSD and/or “District” shall mean the Allen County Regional Water and Sewer District.
2. “ASTM” shall mean the American Society of Testing and Materials.
3. “Biochemical Oxygen Demand” (BOD) shall mean the quantity of oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C.
4. “Board of Trustees” shall mean the Board of Trustees of the District.
5. “Chemical Oxygen Demand” (COD) - a quantitative measure of the amount of oxygen required for the chemical oxidation of carbonaceous (organic) material in wastewater using inorganic dichromate as oxidants in a 2-hour test.
6. “Cleanouts” shall mean the clean out/inspection pipe for District customer’s individual sewer tap.
7. “Collection System” shall mean the sewage collection system of the District.
8. “Compatible Pollutant” shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
 - a. Chemical oxygen demand,
 - b. Total organic carbon,
 - c. Phosphorus and phosphorus compounds,
 - d. Nitrogen and nitrogen compounds, and
 - e. Fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
9. “Downspouts” shall mean gutters and gutter drains or any other device or mechanism that directs stormwater off a roof.

10. “Drains” shall mean any piping system which receives discharges and conveys them an appropriate discharge point.
 - a. Area shall mean a piping system which receives and transports surface runoff.
 - b. Building shall mean the lowest horizontal piping of a building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building or buildings and conveys it to a building sewer.
 - c. Foundation shall mean a piping system which receives and transports ground water that exists around building foundations.
11. “Easement” shall mean an acquired legal right for the specific use of land owned by others.
12. “Equalization” shall mean holding flow in a storage facility when the flow rate is significantly higher than normal and releasing it slowly when the flow rate returns to normal.
13. “Floatable oil” shall mean, oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.
14. “Force Main” shall mean a pipe in which wastewater of the District is carried under pressure.
15. “Grab Sample” shall mean a sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
16. “Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale or produce.
17. “Gravity Flow” shall mean flow moved only by the force of gravity.
18. “Hazardous Waste” shall mean any discharge into the sewer of the District prohibited by Section III of this Sewer Use Ordinance.
19. “Headworks” shall mean that portion of the sewage treatment plant where sewage in the collection system enters the sewage treatment plant.

20. “Health Department” shall mean the Fort Wayne - Allen County Board of Health.
21. “Health Officer” shall mean the official designated by the Health Department.
22. IAC 327 3-6 “Technical Standards for Sanitary Collection Systems” shall mean the section of Indiana Administrative Code that covers technical standards for sanitary collection systems.
23. “Incompatible Pollutant” shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
24. “Industrial Wastes” shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from employee wastes or wastes from sanitary conveniences.
25. “Infiltration” shall mean the water entering a sewer system, including building, drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow.)
26. “Infiltration/Inflow” shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
27. “Inflow” shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from inflow.)
28. “Inspector” shall mean the person or persons duly authorized by the District, through its Board of Trustees, to inspect and approve the installation of building sewers and their connection to the public sewer system.
29. “Major Contributing Industry” shall mean an industry that:
 - a. Has a flow of 50,000 gallons or more per average work day;
 - b. Has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;
 - c. Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under Section 307 (a) of PL 92-500; or
 - d. Has significant impact, either singly or in combination with other contributing industries, on a treatment works or on the quality of effluent from that treatment works.

30. “Manhole (Control)” shall mean a structure on a building sewer used to measure flow and test pollutant concentrations of a large or industrial customer.
31. “Manhole Casting” shall mean the frame and cover that cover the opening of a manhole.
32. “NPDES Permit” shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to section 402 of PL 92-500.
33. “Natural Outlet” shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
34. “Normal Domestic Sewage” shall have the same meaning as defined in the Sewage Rate Ordinance.
35. “Owner” the Person who owns property served by the District.
36. “Oxygen Demanding Pollutants” shall mean pollutants that require oxygen to stabilize them.
37. “pH” shall mean the reciprocal, of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
38. “Plant” shall mean the applicable sewage treatment plant that processes the sewage of the District’s, including the Plant of any third-party with which the District contracts for its wastewater treatment.
39. “Person” shall mean any individual, firm, company, association, society, corporation, group or other entity.
40. “Plumbing Code” shall mean codes established for design, material, and construction of plumbing systems.
41. “Pretreatment” shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
42. “Properly Shredded Garbage” shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree, that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with, no particle greater than one-half (1/2) inch in any dimension.

43. “Pumping Station (Lift Station)” shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.
44. “Rate Ordinance” shall mean the District’s Rate Ordinance in effect from time to time.
45. “Right-of-Way” shall mean a lawful public road right-of-way.
46. “Sewage” shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, (including polluted cooling water). The two (2) most common types of sewage are:
 - a. Sanitary sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.
 - b. Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial, establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
47. “Sewage works” shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
48. “Sewage Treatment Plant” shall mean any treatment Plant that processes wastewater of the District, including the Plant of any third-party with which the District contracts for its wastewater treatment.
49. “Sewer” shall mean a pipe or conduit for carrying sewage and other waste liquids.
 - a. Building sewer shall mean a sewer that extends from the building drain to the public sewer.
 - b. Public sewer shall mean a sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by a public authority.
 - c. Private sewer shall mean a sewer that is not owned by public authority.
 - d. Sanitary sewer shall mean a sewer that is designed to carry domestic and unpolluted industrial sanitary sewage and to which storm, surface, groundwater and unpolluted industrial wastewaters are not intentionally admitted.

- e. Storm sewer shall mean a sewer that is designed to carry storm, surface and groundwater drainage but excludes sanitary sewage.
 - f. Gravity sewer shall mean a sewer that transports sewage using the force of gravity.
 - g. Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.
 - h. Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
50. “Shall” is mandatory “May” is permissive.
 51. “Slug” shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration of flows during the normal operation and shall adversely affect the collection system or the Plant.
 52. “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, The American Water Works Association and the Water Pollution Control Federation.
 53. “Superintendent” shall mean the Superintendent of the municipal sewage works of the Allen County Regional Water and Sewer District, or his authorized deputy, agent or representative.
 54. “Suspended Solids” 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 under standard laboratory procedure.
 55. “Surcharge” shall mean the height above the inside top of a gravity sewer that the sewage would rise to if not restrained by the sewer.
 56. “Tap” shall mean the point of connection at the customer’s private lateral line to the District’s line.
 57. “Traps or Interceptors” shall mean structures designed to remove and hold a pollutant from the sewage.

58. “Ten States Standards” shall mean the Ten States Standards manual in effect from time to time to which the State of Indiana is a party.
59. “Total Solids” shall mean the sum of suspended and dissolved solids.
60. “Toxic Amount” shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.
61. “Unpolluted Water” is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
62. “Volatile Organic Matter” shall mean the material in the sewage solids transformed to gases or vapors when heated at 55 degrees C for 15 to 20 minutes.
63. “WEF Manual of Practice No. 11” shall mean the Water Environment Federation’s “Operation of Municipal Wastewater Treatment Plants.”
64. “Waste Hauler” shall mean a person whose business is the collection and transportation of liquid waste by truck.
65. “Wastewater” shall mean water in which sewage has been discharged.
66. “Water”
 - a. Cooling
 - b. Ground
 - c. Industrial
 - d. Polluted
 - e. Process
 - f. Storm
 - g. Surface
 - h. Unpolluted
67. “Watercourse” shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
68. “Water Quality Standards” shall mean the uses and criteria to protect those uses established by Federal or State authority for water bodies under their jurisdiction.

69. “Use Ordinance” shall mean this Use Ordinance.

D. ABBREVIATIONS

The following abbreviations shall have the designated meanings:

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| 1. | BOD: | Biochemical Oxygen Demand |
| 2. | CFR: | Code of Federal Regulations |
| 3. | CWA: | Clean Water Act |
| 4. | IDEM: | Indiana Department of Environmental Management |
| 5. | ISBH: | Indiana State Board of Health |
| 6. | l: | Liter |
| 7. | mg: | Milligrams |
| 8. | mg/l: | Milligrams per Liter |
| 9. | NPDES: | National Pollutant Discharge Elimination System |
| 10. | O&M: | Operations and Maintenance |
| 11. | POTW: | Publicly Owned Treatment Works |
| 12. | RCRA: | Resource Conservation and Recovery Act |
| 13. | SIC: | Standard Industrial Classification |
| 14. | SWDA: | Solid Waste Disposal Act, 42 USC <i>et seq.</i> |
| 15. | TRC: | Technical Review Criteria |
| 16. | TSS: | Total Suspended Solids |
| 17. | U.S. EPA: | United States Environmental Protection Agency |
| 18. | WEF | Water Environmental Federation |
| 19. | 40 CFR 136: | U.S. EPA approved “Guidelines Establishing Test Procedures for the Analyses of Pollutants” |
| 20. | 330 IAC 5-12-2: | “Regulations for National Pretreatment Standards for Prohibited Discharges” |

SECTION II. COLLECTION SYSTEM

A. PUBLIC SANITARY SEWER EXTENSIONS

1. All new developments, subdivisions, apartment complexes, shopping centers, hotels, restaurants, or any other residential, commercial or industrial development shall include adequate public sanitary sewers. If adequate public sewers do not exist, the developer shall extend or cause to be extended adequate public sewers.
2. The District may accept petitions from property owners requesting the extension of public sanitary sewers. Under the District’s policy, property owners abutting the sewer line shall proportionately pay for the cost of the sewer extension pursuant to the District’s Rate Ordinance in effect from time to time.

3. No new sewer extensions shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids, and the proposed extension will not cause the District to exceed the flow limitations or cause the District to be subjected to surcharges for excessive flows, with any third-party the District contracts with for its wastewater treatment.
4. Plans for any public sewer extension must be approved by the Superintendent. All extensions must be designed and constructed in accordance with the “Ten State Standards” and IAC 327 3-6 “Technical Standards for Sanitary Collection Systems.”
5. All public sewer extensions shall be extended within the right-of-way or an approved easement. The extension shall terminate at the point where the most remote tap would be made. In instances where the sewer extension parallels or is in close proximity to adjacent property, a public right-of-way or easement must be provided to permit the extension of the sewer by others to serve the adjacent property.
6. If a sewer is in an easement for several sewer sections, a manhole shall be installed on that sewer within the right-of-way of a crossing street in order to provide access for truck mounted maintenance equipment.
7. No person shall make use of a sewer extension, backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by the Superintendent. In addition to all other remedies, for any unapproved connection, the Superintendent may cause the said installation to be excavated and exposed, may terminate the connection, and may require the customer, owner, developer or contractor to pay or reimburse the District for its costs and expenses in such excavation, exposure, termination, reconnection, and restoration.

B. BUILDING SEWERS

1. The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the District, is hereby required at the Owner’s expense to install suitable toilet and plumbing facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is

within three hundred (300) feet of the property line. These requirements may be modified at the discretion of the District when it is shown that compliance is not possible due to extenuating circumstances.

2. All costs and expense incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
3. Further, it shall be the responsibility of the Owner to make all necessary repairs, extensions, relocations, changes or replacements ending at the District's sewer collection system mainline. If the Owner installs a cleanout at the point where the building sewer crosses into the easement or right-of-way containing the public sewer, the District will maintain the portion of the building sewer between the easement or right-of-way line to the public sewer.
4. A separate and independent building sewer shall be provided for every building, except where a building ancillary in use to the main building is located at the rear of another on interior lot and no building sewer can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the building sewer from the front main building may be extended to the rear ancillary building and the whole considered as one building sewer.
5. A building sewer shall not cross the property of another property Owner unless such Owner has granted a permanent easement for such building sewer approved by the District and duly recorded in the Office of the Allen County Recorder.
6. The size, slope, alignment, materials of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WEF Manual of Practice No. 11 shall apply.
7. Single family residential units may be served by 4" building sewers.
8. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District, or the procedures set forth in appropriate specifications of the ASTM, and the WEF Manual of Practice

No. 11. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

9. No floor elevation less than 1' above the top of the manhole casting elevation of the first upstream manhole on the public sewer to which the building sewer is connected will be served by a gravity building sewer. In all buildings in which any building drain is too low to permit gravity flow, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
10. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, yard drains, sump pumps, or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
11. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written Permit from the District.
12. There shall be two (2) classes of building sewer permits:
 - a. Permits for residential and commercial service, and
 - b. Permits for service to establishments producing industrial wastes.

In either case, the Owner or the Owner's agent shall make application for connection on a form furnished by the said District. The permit application shall be supplemented by any plans, specifications, or other information requested or considered pertinent in the judgment of the Superintendent. A permit and inspection fee as specified in the District's Rate Ordinance for a residential, commercial or industrial building sewer Permit shall be paid to the District at the time the application is filed.

13. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent.
14. The applicant for the building sewer shall notify the District when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his designee or agent.

15. Old building sewers may be used in connection with existing or new buildings only when they are found, on examination and test, to meet all requirements of this Use Ordinance. The District shall be permitted to inspect the interior and exterior of any building prior to connection.
16. The building sewer shall be considered a private sewer owned by the owner of the property it serves.
17. Building sewers shall not be connected to public force mains unless approved by the District in its sole discretion.

C. PRIVATE SEWAGE DISPOSAL SYSTEMS

1. Where a public sanitary sewer is not available under the provisions of Section II.B.1, and subject to available adequate collection system and treatment plant capacity (without excessive flow surcharges), the building shall be connected to a private sewage disposal system complying with the requirements of the Health Department.
2. At such time a public sewer becomes available to properly serve a private sewage disposal system, and subject to available adequate collection system and treatment plant capacity (without excessive flow surcharges) a direct connection shall be made to the public sewer in compliance with this ordinance. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned in accordance with requirements of the Health Department.
3. When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after the District issues its notice and requirement to connect.
4. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

SECTION III. DISCHARGE PROHIBITIONS

A. GENERAL DISCHARGE PROHIBITIONS

1. No person shall directly or indirectly discharge, or cause to be discharged, or permit or allow any Infiltration or Inflow or any storm water, surface water, ground water, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters into any sanitary sewer.

2. 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 District.

B. SPECIFIC DISCHARGE PROHIBITIONS

1. No person shall directly or indirectly discharge, or cause to be discharged, or permit or allow any of the following described waters or wastes to any public sewers:
 - a. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas which create a fire or explosion hazard in the District's Wastewater Treatment System including, but not limited to, wastestreams with a closed cup flashpoint of less 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods in 40 CFR 261.21.
 - b. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes to, cause acute worker health and safety problems, injure or interfere with any sewage treatment processes, constitute a hazard to humans or animals, create a public nuisance, create any hazard in the receiving waters of the sewage treatment plant, or prevent entry into the sewers for maintenance and repair.
 - c. Any waters or wastes having a pH lower than 5.5 or higher than 9.5 SU, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
 - d. Solids or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
2. No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the

receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- a. Heat in amounts which will inhibit biological activity at the wastewater treatment plant but in no case greater than sixty (60°) degrees Centigrade (150° degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40°) degrees Centigrade (104° degrees Fahrenheit).
- b. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65°C).
- c. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the District.
- d. Any waters or wastes containing strong acid from pickling wastes, or concentrated plating solutions whether neutralized or not.
- e. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials.
- f. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies or jurisdiction for such discharge to the receiving waters.

- g. 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.
- h. Any water, wastes or wastewater which exerts or cause:
 - (i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - (ii) Obstruction to the flow in District sewers, or other interference with the proper operation of the wastewater treatment system;
 - (iii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (iv) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference at the Wastewater Treatment Plant.
 - (v) 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;
 - (vi) Any substance which may cause the wastewater treatment plant effluent or any other product of the wastewater treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the wastewater treatment plant cause the wastewater treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;
- i. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- j. Any substance which will cause the wastewater treatment plant to violate its NPDES permit or the receiving stream's water quality standards.

3. No person shall discharge or cause to be discharged to the treatment plant's headworks:
 - a. Any trucked or hauled industrial process or hazardous wastes.
 - b. Any septic tank waste.
4. No person shall discharge or cause to be discharged a wastewater which has a value which exceeds the specific pollutant limitation shown in Table I below.

**TABLE I
SPECIFIC POLLUTANT LIMITATIONS**

<u>POLLUTANTS</u>	<u>SAMPLE TYPE</u>	<u>MAXIMUM DAILY DISCHARGE CONCENTRATION (MG/L)</u>
Arsenic	24 hr. Composite	0.2
Cadmium (Total)	24 hr. Composite	0.2
Chromium (Total)	24 hr. Composite	4
Copper (Total)	24 hr. Composite	3
Cyanide (Total)	Grab	0.5
Lead (Total)	24 hr. Composite	0.6
Nickel (Total)	24 hr. Composite	2.6
Zinc (Total)	24 hr. Composite	5
Mercury (Total)	24 hr. Composite	0.01
Selenium	24 hr. Composite	0.1
Silver (Total)	24 hr. Composite	0.3
Sulfides	24 hr. Composite	2
Phenols (4AAP)	Grab	5
Petroleum Oil and Grease	Grab	100
TSS*	24 hr. Composite	1000
Phosphorus*	24 hr. Composite	75
Ammonia Nitrogen*	24 hr. Composite	75
BODs*	24 hr Composite	3500

* Denotes parameters with limitations set for surcharge purposes.

SECTION IV. PRETREATMENT

A. APPLICATION

1. If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section III.B.1 of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
 - a. Require new industries (or other large users) or industries (or other large users) with significant increase in discharges to submit information on wastewater quantities characteristics and obtain prior approval for discharges.
 - b. Reject the wastes in whole or in part for any reason deemed appropriate by the District.
 - c. Require pretreatment of such wastes to within the limits of normal sewage as defined.
 - d. Require control or flow equalization of such wastes so as to avoid any “slug” loads or excessive loads that may be harmful to the treatment works, or
 - e. Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

B. GENERAL

1. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the Rate Ordinance.
2. Users of the treatment works shall immediately notify the Superintendent of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

3. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances and law.
4. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the Owner at its expense.

C. SAMPLING

1. When required by the Superintendent, the Owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at the Owner's expense, and shall be maintained so as to be safe and accessible at all times. Agents of the District, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing;
2. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standards Methods of the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for applications for NPDES permits and report thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR Part 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.

D. PRETREATMENT

1. Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the United States Environmental Protection Agency (USEPA) (40 CFR Part 403), and “Guidelines Establishing Test Procedures for Analysis of Pollutants” (40 CFR Part 136), in addition to any more stringent requirements established by the District and any subsequent State or Federal Guidelines and Rules and Regulations.
2. Plans, specifications, and any other pertinent information relating to the pretreatment or control facilities shall be submitted for approval of the Superintendent and no construction of such facilities shall be commenced until approval in writing, is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the Owner. To determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits, the Owner shall maintain operating records and shall submit to the Superintendent a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against District monitoring records.
3. Unpolluted water from air conditioners, cooling condensing systems of swimming pools, shall be discharged to a storm sewer, where it is available. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Superintendent and by the State of Indiana where a storm sewer or natural outlet is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the District.
4. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.

E. GREASE, OIL & SAND

1. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the

Superintendent and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all time.

F. SURCHARGES

1. The Superintendent may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. Such measurements, tests, and analysis shall be made at the users' expense. If made by the District, an appropriate charge may be assessed to the user at the option of the District.
2. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Superintendent may elect, or, at any place mutually agreed upon between the user and the Superintendent. Appropriate charges for sampling and, the analysis may be assessed to the user at the option of the District. The results of routine sampling and analysis by the user may also be used, for determination of charges after verification by the Superintendent.

SECTION V. ADMINISTRATION AND ENFORCEMENT

A. MALICIOUS DAMAGE

1. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

B. ACCESS TO PRIVATE PROPERTY

1. The Superintendent and other duly authorized employees and agents of the District bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical,

oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

2. While performing the necessary work on private properties referred to in Section B.1 above, the superintendent or duly authorized employees or agents of the District shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the District employees and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section IV.C.1 (control manhole).
3. The Superintendent and other duly authorized employees and agents of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

C. PENALTIES FOR DISPOSING CLEAR WATER IN SANITARY SEWERS

1. Any persons found to be violating Section III.A.1, and Section II.B.8 of this ordinance, shall be subject to the following rates, charges and penalties per month, per billing account. These rates, charges and penalties shall be imposed beginning the month immediately following passage and adoption of this ordinance by the Board of Trustees. The rates, charges and penalties for each such violation are as follows:
 - (a) A rate, charge and penalty of \$100.00 per month for the first six (6) months during the continuance of any initial violation;
 - (b) A rate, fine, charge and penalty of \$150.00 per month commencing seven (7) months after the initial violation while the violation continues to exist;

- (c) A rate, charge and penalty of \$150.00 per month for subsequent and substantially similar violations thereof within three (3) years after the initial violation has ceased to exist;
 - (d) A rate, charge and penalty of \$200.00 per month for any third and subsequent substantially similar violations thereof within three (3) years after the initial violation has ceased to exist; and
 - (e) Disconnection of the public sewer after any initial violation or any subsequent violation thereof, and the imposition of the District's initial Connection Fee (currently \$1,420.00 per equivalent residential unit) upon reconnection.
2. A person may avoid liability for payment of the penalty established in Section V.C.1 for the initial violation above upon a showing that he is in compliance with all provisions of Sections II.B.8 and III.A.1 of this ordinance within thirty (30) days of being notified of the initial violation, which showing shall consist of the following procedures and conditions as to each building or appurtenance connected to the sanitary sewer:
- a. Each such person shall, as to each such building or appurtenance so connected to the sanitary sewer, execute a "Grant of permission" to the District, to come upon the property and within the premises thereon, of such persons to inspect and/or perform sewer tests as may be deemed necessary by the District to verify the compliance herein before referred to;
 - b. The Grant of permission set forth in Section V.C.2.a shall be deemed to include periodic inspections and/or tests as may be determined to be necessary by the District to maintain, insure and monitor compliance with the provisions of Section ILB.8 and IIIA.lof this ordinance;
 - c. The term "District" as used herein, shall mean and include such employees or agents or designees of the District as it shall, from time to time utilize in making the inspections and/or tests heretofore referred to. Such persons shall have on their persons, identification to verify that they in fact represent said District for said purposes.
 - d. The inspection shall be made upon reasonable notice of at least forty-eight (48) hours. There shall be no fee charged for said inspection.

3. In the event, a person is found to be in compliance as heretofore set forth, and, upon subsequent inspection is found not to be in compliance, said person shall be liable for payment of an amount equal to the sum of the months since adoption of this ordinance, multiplied by the monthly penalty in effect during such period as the case may be; provided that, such liability shall be reduced to fifty percent (50%) of said amount if said person complies within a period of ten (10) days after notice by the District of his non-compliance. In the event a person is found to be in a state of non-compliance a second or subsequent time, then said person shall be liable for a sum equal to One Hundred Dollars (\$100.00) plus an amount equal to the sum of the months since adoption of this ordinance multiplied by the monthly penalty in effect during such period as the case may be.
4. The District has determined that the measures heretofore set out are a reasonable means of insuring compliance with Sections II.B.8 and III.A.1 of this ordinance and are further necessary to protect and insure the health, safety and welfare of the customers of the District.

D. USE ORDINANCE APPLICABILITY

Any person served by a collection system of the District that is connected to Fort Wayne's municipal sewage works is bound by the requirements of the District's Use Ordinance except in situations where the Fort Wayne, Indiana, Municipal Sewage Works Use Ordinance is more stringent in which case Fort Wayne's more stringent provisions or Ordinance shall take precedence and apply with the same force and effect as if it were the District's Use Ordinance.

E. PENALTIES

1. Any person found to be violating any provision of this ordinance except those provisions covered in Section V.C shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person, who shall continue any violation beyond the time limit provided for in Section V.E.1 shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding Fifty Dollars (\$50.00) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

3. Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss or damage occasioned by the District by reason of such violation.

F. RULES AND REGULATIONS

These rules and regulations promulgated by the District, after approved by the Board of Trustees of the District shall, among other things, provide for an appeal procedure whereby an Owner or a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the Board of Trustees and that any decision concerning the sewage system or user charges of the Board of Trustees may be appealed to the circuit or superior court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

VI. APPLICABILITY OF USE ORDINANCE

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.
- B. This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

Passed and adopted by the Trustees of the Allen County Regional Water and Sewage District, this ____ day of _____, 2012.

Ric Zehr, Board Member

Ted Nitza, Board Member

Win Rood, Board Member

Don Niemeyer, Board Member

Bryce Cordell, Board Member

Len Poehler, Board Member

Mark Herber, Board Member

ATTEST:

Don Niemeyer, Secretary