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ORDINANCE NO. 1987-1

AN ORDINANCE CONTROLLING SEWER CONNECTIONS AND
WASTE WATER DISPOSAL, FIXING THE SCHEDULE OF RATES
AND CHARGES TO BE COLLECTED BY THE TOWN OF NEWBURGH
AND OTHER MATTERS CONNECTED THEREWITH

WHEREAS the Town of Newburgh has heretofore passed ordinances regulating the construction, maintenance, operation and installation of works and systems for the collection, treatment and disposal of sewage under the applicable acts of the General Assembly of the State of Indiana; and

WHEREAS the Town of Newburgh has complied and is complying with Federal, State and local requirements pertaining to treatment levels for the population served by its system and does intend to comply in the future with any and all Federal, State and local requirements pertaining to proper treatment levels; and

WHEREAS regulations have been established by the United States Environmental Protection Agency, the Indiana Environmental Management Board, Stream Pollution Control Board and local regulating agencies requiring that industrial contributors are to be served uniformly and that such industries are to participate in the operational and maintenance costs of the Town of Newburgh's total treatment system.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF NEWBURGH, INDIANA, as follows:

Section 1. "DEFINITIONS." The following words or phrases when used in this Ordinance shall have the meaning respectively assigned to them in this section:

(a) "BOARD." The term "Board" when used in this ordinance shall mean the Board of Trustees of the Town of Newburgh, Indiana.

(b) "TOWN." The term "Town" when used in this Ordinance shall mean the Town of Newburgh, Indiana, acting through its Board of Trustees.

(c) "USER." The term "User" when used in this ordinance shall mean any person or persons or any establishment of any kind discharging or causing the

discharge of waste water into the sewer system of the Town of Newburgh, Indiana.

(d) "OWNER." The term "Owner" when used in this Ordinance shall mean the Owner of the property that is being served by the sewage works of the Town.

(e) "SUSPENDED SOLIDS." The term "Suspended Solids" when used in this Ordinance shall mean Solids that either float on the surface of or in suspension in water, wastewater, or other liquids which are largely removable by laboratory filtering.

(f) "SANITARY SEWAGE." The term "Sanitary Sewage" when used in this Ordinance shall include liquid waste and waste water from water closets, urinals, lavatories, sinks, bathtubs, showers, laundries, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, and all other water-carried wastes except industrial wastes.

(g) "INDUSTRIAL WASTES." The term "Industrial Waste" when used in this Ordinance shall mean the liquid waste and waste water from any commercial manufacturing or industrial manufacturing operation or process.

(h) "INFLOW." Inflow which is defined as the water discharged into a sewer system and service system and service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface run-off, street wash waters, or drainage is hereby expressly prohibited.

(i) "INFILTRATION." Infiltration is defined as the water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or

manhole walls shall not exceed 200 gallons per inch of pipe diameter per mile of pipe per day. The following table shall be used to determine maximum allowable infiltration:

Pipe Size	x Allowable Flow	÷ Feet/Mile	= Gallons/Day/Foot of Pipe
6 inch	x 200 gallons	÷ 5280	= 0.2273
8 inch	x 200 gallons	÷ 5280	= 0.3030

- (j) "B.O.D." or "BIOCHEMICAL OXYGEN DEMAND." A standard test used in assessing wastewater strength.
- (k) "COMBINED SEWER." A sewer intended to serve as a sanitary sewer and a storm sewer.
- (l) "COMPATIBLE POLLUTANT." Any pollutant which is not defined below as an "incompatible pollutant."
- (m) "DOMESTIC WASTEWATER." Wastewater discharged from the sanitary conveniences of dwellings, apartment houses, hotels, office buildings, industrial plants and institutions, and a water supply of a community after it has been used and discharged into a sewer, excluding storm and surface water.
- (n) "EQUIPMENT REPLACEMENT COSTS." The expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the sewage works to maintain the capacity and performance for which the works are designed and constructed.
- (o) "INCOMPATIBLE POLLUTANT." A pollutant which passes through or interferes with the treatment processes or which may contaminate sewage sludge.
- (p) "INDUSTRIAL WASTE." The liquid waste from an industrial process of all kinds, not including sanitary sewage.
- (q) "N.P.D.E.S. PERMIT." A permit issued pursuant to the National Pollutant Discharge Elimination System as provided in 33 U.S.C. § 1341.

- (r) "SANITARY SEWER." A sewer that carries liquid and water wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- (s) "SEWAGE WORKS." All of the works heretofore or hereafter established, financed, and constructed under the provisions of any federal or state statute.
- (t) "STORM SEWER." A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.
- (u) "TOWN SEWER SYSTEM." The sanitary sewer system of the Town, located both within the Town limits and within that area beyond the boundaries of the Town limits, over which the Town has jurisdiction as to sewers.
- (v) "CONNECTION" and "TAP-IN." These words shall be identical whether used independently or jointly and shall cover not only situations where there is an initial or first tap-in or connection into the Town sewer system but also where improvements which are already connected are tapped into a sewer line, and there are additions to, enlargements, or expansions of the existing improvements.
- (w) "IMPROVEMENT." Any building, structure, or physical enclosure, whether attached or unattached to real estate, and whether mobile or immobile.
- (x) "ACT." The "Federal Water Pollution Control Act" (PL 92-500) as amended by the "Clean Water Act" (PL 95-217) of 1977.
- (y) "APPLICABLE PRETREATMENT STANDARD." Any pretreatment limit or prohibitive standard (federal, state, or local) and considered to be the most restrictive with which nondomestic users will be required to comply.

(z) "APPROVAL AUTHORITY." The Indiana State Board of Health, Division of Water Pollution Control Director.

(aa) "AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER."

(1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation.

(2) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively.

(3) A duly authorized representative of the individual designated above, if the representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

(bb) "B.O.D." Biochemical Oxygen Demand.

(cc) "CATEGORICAL PRETREATMENT STANDARDS." National pretreatment standards specifying quantities or concentrations of pollutants or the properties of pollutant which may be discharged to the wastewater treatment plant by specific categories of industrial users.

(dd) "CFR." Code of Federal Regulations.

(ee) "COMPOSITE SAMPLE." A "COMPOSITE SAMPLE" should contain a minimum of eight discrete samples of equal volume taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

(ff) "DAILY DISCHARGE." Discharge of wastewater measured during a 24-hour period that reasonably represents the calendar day for purposes of sampling.

(gg) "DISCHARGER" or "INDUSTRIAL DISCHARGER." Any nonresidential user who discharges industrial wastewater to the wastewater treatment plant.

(hh) "EPA." Environmental Protection Agency.

(ii) "GARBAGE." Any solid wastes from preparation,

- cooking, or dispensing of food and from handling, storage, or sale of produce.
- (jj) "GRAB SAMPLE." A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.
- (kk) "GROUND (SHREDED) GARBAGE." Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewerage system, with no particle being greater than 1/2 inch in dimension.
- (ll) "INDIRECT DISCHARGE." Industrial wastewater from a source regulated under Section 307(b) or (c) of the Federal Water Pollution Control Act, into the wastewater treatment plants.
- (mm) "INDUSTRIAL USER (IU)." Any industrial or commercial establishment that discharges industrial (process) wastewater to a publicly-owned treatment works.
- (nn) "INDUSTRIAL WASTE." Solid, liquid, or gaseous waste resulting from any industrial, manufacturing, trade, or business process or from the development, recovery, or processing of natural resources.
- (oo) "INFLUENT." The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.
- (pp) "INTERFERENCE." The inhibition or disruption of a POTW's sewer system, treatment processes, or operations which may contribute to a violation of any requirement of its NPDES permit.
- (qq) "MAJOR CONTRIBUTING INDUSTRY." An industrial user of the publicly-owned treatment works that:
- (1) Has a flow of 50,000 gallons or more per average workday.

(2) Has a flow greater than 5% of flow carried by the municipal system receiving the waste;

(3) Has in its waste a toxic pollutant in toxic amounts, as defined in standards issued under Section 307(a) of the Environmental Protection Act;

(4) Is found by the permit issuance authority, in connection with the issuance of the NPDES permit to the publicly-owned treatment works receiving the waste, to have significant impact, either singularly or in combination with other contributing industries, on the treatment works or upon the quality of effluent from the treatment works.

(rr) "MAXIMUM DAILY DISCHARGE LIMITATIONS." Highest allowable daily average discharge based on a 24-hour composite sample.

(ss) "mg." Milligrams.

(tt) "mg/l." Milligrams per liter.

(uu) "NPDES." National Pollutant Discharge Elimination System permit program as administered by the U.S. EPA or the state.

(vv) "NEW SOURCE." Any source, the construction of which is started after the publication or proposed regulations stating a categorical pretreatment standard will be applicable to the source, provided the standard is promulgated within 120 days of its proposal in the Federal Register. Where the standard is promulgated later than 120 days after its proposal, a "NEW SOURCE" means any source in which construction is started after the date of promulgation of the standard.

(ww) "O & M." Operation and maintenance.

(xx) "OTHER WASTES." Decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals, and all other substances except sewage and industrial wastes.

- (yy) "PERSON." Any individual, partnership, firm, company, association, society, corporation, institution, or group.
- (zz) "POTW." Publicly Owned Treatment Works.
- (aaa) "PRETREATMENT." The reduction of the amount of pollutants, or the alteration of the nature of pollutant properties, in the industrial wastewater to comply with this chapter.
- (bbb) "RECEIVING STREAM." The watercourse, stream, or body of water receiving the waters finally discharged from the sewage treatment plant.
- (ccc) "SEWAGE." Water-carried human wastes or a combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, storm, or other waters as may be present.
- (ddd) "SEWER." Any pipe, conduit, ditch or other device used to collect and transport sewage or storm water from the generating source.
- (eee) "SIC." Standard Industrial Classification.
- (fff) "STANDARD METHODS." 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.
- (ggg) "TSS." Total Suspended Solids.
- (hhh) "UPSET." An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth herein due to factors beyond the reasonable control of the discharger.
- (iii) "WASTEWATER." Influent to the wastewater treatment plant.

(jjj) "WASTEWATER TREATMENT PLANT (WWTP)." The Wastewater Treatment Plant owned and operated by the Town.

Section 2. PRESSURE PUMP SEWER SYSTEM.

Any person who installs a pressure pump sewer system, which includes but is not necessarily limited to a system whereby effluent is pumped from homes in pipes under pressure to a municipal sanitary sewer or a grinder which grinds solids and pumps effluents under pressure to municipal sewers or any other similar system, shall maintain the system at all times. Maintenance shall include but not necessarily be limited to the maintenance of all individual service lines on private property so that the lines do not leak or cause the spillage of effluent on the ground, the maintenance of all pumps, grinders, or other mechanical devices used in the pressure sewer system. Any failure to maintain the system shall be a violation of this section.

Section 3. DEPOSITING AND DISCHARGING WASTES.

(A) No person shall place, deposit, or cause to be deposited on public or private property within the Town, any human or animal excrement, garbage, or any other waste likely to cause a nuisance or damage to persons or property.

(B) No person shall discharge, or cause to be discharged, into any natural outlet within the Town, or in any area under the jurisdiction of the Town, any sanitary sewage, industrial waste, or other polluted waters, except in accordance with the provisions of this Ordinance.

Section 4. PROHIBITED SUBSTANCES IN SEWERS.

No person shall discharge or cause to be discharged to any public sewer any of the following described substances, materials, waters, or waste.

(A) Any liquid or vapor having a temperature higher than 150°F. (65°C).

(B) Any water or wastes which contain grease, oil, or

some other substance that will solidify or become discernibly viscous at temperatures between 32°F. to 150°F.

(C) Any water or wastes containing emulsified oil or grease exceeding, on analysis, an average of 100 parts per million floatable and 600 parts per million dispersed of either soluble matter.

(D) Any gasoline, benzine, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid, or gas.

(E) Any water or wastes that contain more than ten parts per million by weight of the following gases: hydrogen sulphide; sulphur dioxide; or nitrous oxide.

(F) Any garbage that has not been properly comminuted or triturated.

(G) Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, hair and fleshings, entrails, lime, slurry, lime residues, beer or distillery slops, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works.

(H) Any water or wastes that contain phenols in excess of 0.50 parts per million by weight (500 parts per billion). These limits may be modified by the Town if, after a public hearing thereon, the Town finds that the aggregate of contributions throughout the area being serviced creates treatment difficulties or produces a plant effluent discharge to the receiving waters which may be prohibitive.

(I) Any waters or wastes, acid or alkaline in reaction, and having corrosive properties capable of causing damage or hazard to structures, equipment, or personnel of the sewage works. Free acids and alkalis of such waste must be neutralized within a permissible range of pH, between four, five, and ten.

(J) Any waters or wastes containing a toxic or poisonous substance or of high chlorine demand, in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters or storm water overflows, such as copper, zinc, chromium, and similar toxic substances, shall be limited to the following average quantities in the sewage as it arrives at the treatment plant and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration.

Chromium as Cr (hexavalent)	5 parts per million
Copper as Cu	3 parts per million
Zinc as Zn	2 parts per million
Chlorine demand	30 parts per million
Mercury	0.002 parts per million
Lead	0.1 parts per million
Cadmium	0.002 parts per million

Contributions of greater volume or concentration from individual establishments shall be subject to control by the Town.

(K) Any cyanides in excess of two parts per million by weight as CN in the wastes from any outlet into the public sewers.

(L) Any water or wastes containing the discharge of acid pickling wastes or concentrated plating solutions, whether neutralized or not, which are capable of causing any obstruction, damage, or corrosion in the sewers or the sewage treatment plant.

(M) Any waters containing suspended solids of such character and quantity that unusual provision, attention, or expense is required to handle the materials at the sewage treatment plant.

(N) Any noxious or malodorous gas or substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or of

preventing entry into sewers for their maintenance and repair.

(O) Any toxic radioactive isotopes having a half-life of more than 100 days, without special permit, to be issued by the Town.

(P) Any wastes that, for a duration of 15 minutes have a concentration greater than five times the average concentration of the wastes as measured by suspended solids and B.O.D.

(Q) Any water or waste containing iron-bearing compounds or substances in quantities sufficient to cause the average concentration in the sewage as it arrives at the treatment plant to exceed 25 mg. per litre total iron or five mg. per litre soluble iron.

(R) Any water or waste which may result in a violation of any provision of the Town's N.P.D.E.S. permits.

Section 5. SUBSTANCES UNDER CONTROL OF TOWN.

(A) Concentrated dye, wastes, spent tanning solutions, or other wastes which are highly colored, or wastes which are of unusual volume, concentration of solids, or composition, as, for example, in total suspended solids of inert nature such as fullers earth, or in total dissolved solids such as sodium chloride, calcium chloride, or sodium sulfate, or unusual in bio-chemical oxygen demand shall be subject to determination by the Town for the following.

(1) Approval or rejection of admission to the public sewers.

(2) Modification at the point of origin to permit admissions.

(3) Pretreatment by owner to permit admission.

(B) Any water or wastes which, by interaction with water or wastes in the public sewer system, release obnoxious gases, develop color of undesirable intensity, form suspended solids in the objectionable concentration, or

create any other condition deleterious to structures and treatment processes shall constitute a violation.

(C) The Town shall have the power to reject or require pretreatment, of any substance which constitutes a violation of division (B) above.

Section 6. MANDATORY SEWER CONNECTIONS.

The owners of all houses, buildings, or other structures used for human occupancy, employment, recreation, or other purpose, situated within the Town or within the given jurisdiction of the Town whose property on which the house, building, or structure is located, abuts on any street, alley, easement, or right-of-way in which there is located a public sanitary or a combination storm and sanitary sewer, or which is within 300 feet of such a public sewer, are required, at their expense, to install suitable toilet facilities therein and to connect the facilities directly with the public sewer in accordance with the provisions of this Ordinance, within 90 days after date of notice to do so, given by the Board to the owners by certified mail. The owners of all property served by a private sewage disposal system shall, within six months of the completion of a public sewer in any street, alley, easement, or right-of-way abutting their property, make a direct connection from the public sewer to their property line. Any private disposal system found to be a health menace or nuisance by the Health Department shall be abandoned on order of the Town.

Section 7. STORM OR INDUSTRIAL WASTEWATERS.

No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer from any source including, but not limited to roof leaders, cellar drains, yard drains, area drains, foundation drains, or the resources of the inflow (as defined in 40 C.F.R. 35.905).

Section 8. PERMISSIBLE DISCHARGES IN STORM SEWERS.

Storm water and all other unpolluted drainage shall be discharged to sewers specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process water may be discharged on approval of the Town to a storm sewer, combined sewer, or natural outlet.

Section 9. GREASE, OIL, OR SAND INTERCEPTORS.

Grease, oil, or sand interceptors shall be provided when in the opinion of the Town they are necessary for the proper handling of liquid waste containing grease in excessive amounts or any flammable waste, sand, or other harmful ingredients. The interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a standard approved type and capacity which meets state code requirements and shall be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil, or sand interceptors required under this section shall be maintained by the owner at his expense, in continuously efficient operation at all times. The owner shall at his expense install larger grease, oil, or sand interceptors if the originally installed interceptors do not function properly or are inadequate.

Section 10. PRELIMINARY TREATMENT BY OWNER; CONTROL MANHOLES.

(A) The admission into public sewers of any substances, materials, waters, or waste described in this Ordinance, or of water or waste having an average daily flow greater than 5% of the average daily sewage flow of the Town shall be subject to the review and approval of the Town. Where necessary in the judgment of the Town, the owner shall provide at his expense any preliminary treatment necessary to reduce the objectionable characteristics or constituents to within the maximum limits provided for in Section 4 or to control the quantities and rate of discharge of the waters

or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town and the state, and no construction of such facilities shall be commenced until approval is obtained in writing.

(B) Where preliminary treatment facilities required under this section are provided for any waters or wastes, they shall be maintained continuously in satisfactory and efficient operation by the owner at his expense. When required by the Town, the owners of any property served by a building sewer carrying industrial waste shall install suitable control manholes in the building sewer to facilitate observation, sampling, and measurement of the waste. The manholes, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 11. TEST OF WASTE CHARACTERISTICS.

All measurements, tests, and analyses of the characteristics of wastes and waters to which reference is made in this Ordinance shall be determined in accordance with standard methods for the examination of water and sewage, under 40 C.F.R. § 136, and general accepted practices of the environmental engineering profession, to the extent such results fairly and accurately represent the actual characteristics, and shall be determined at the control manhole provided for in Section 10 or upon suitable samples taken at the control manhole which shall be considered to be the nearest downstream in a public sewer to the point at which the building sewer is connected.

Section 12. SPECIAL ARRANGEMENTS FOR INDUSTRIAL WASTES.

No statement contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby

industrial waste of unusual strength or character may be accepted by the Town for treatment subject to payment therefor by the industrial concern.

Section 13. RIGHT OF ENTRY.

The Town, the town Engineer, plumbing inspectors, and other duly-authorized representatives of the Town, bearing proper credentials and identification, shall have the right to enter on all properties for the purpose of inspection, observation, measurement, samplings, and testing in accordance with the provisions of this Ordinance.

Section 14. WILFUL DAMAGE TO SEWERAGE PROPERTY.

No unauthorized person shall knowingly or wilfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage works.

Section 15. DISCHARGE FROM WELLS OR CISTERNS.

Any industrial or commercial user which draws water from any well or cistern shall install and maintain in good operating condition a water meter for the purpose of measuring the flow of all water drawn from each well or cistern. The meter shall conform to the specifications of the Town.

Section 16. QUARTERLY REPORTS.

(A) Every commercial and industrial user shall submit quarterly reports to the Town containing the following information on the user's wastewater discharged during the reporting period.

(1) The average strength of the wastewater as measured by five-day biological oxygen demand (BOD₅) and suspended solids (SS).

(2) The average strength of the wastewater for the 24-hour period during which the combined BOD₅ and SS strength of the wastewater was greatest.

(3) The number of days during the report period

that the wastewater was of a strength at or near the maximum strength described in (A)(2) above.

(B) In addition to the information required by division (A), above, any user whose commercial or industrial activity involves the use or potential discharge of any prohibited substance as listed in Section 4, shall include in its quarterly report an analysis of its wastewater for the purpose of determining whether the user is in compliance with standards established by this Ordinance or all regulations of the state and federal governments relative to toxic materials in wastewater.

(C) The Town may collect samples and make analyses of the wastewater discharged by every user submitting a quarterly report under Section 16 for the purpose of verifying those reports. The samples may be collected at any time and as frequently as the Town finds necessary for the carrying into effect of all relevant sections of this code, and shall in any case be made quarterly.

(D) At any time the Town, in its discretion, determines that the quarterly report of a particular user is unlikely to differ in any significant respect from the most recent quarterly report filed by that user, the Town may excuse the user from filing the quarterly reports until further notice that the Town shall again require filing.

Section 17. WASTEWATER OF EXCESSIVE STRENGTH.

(A) Wastewater having a combined BOD₅ and SS strength of less than 450 mg/l shall be billed at the rates established by the Town.

(B) Wastewater having a combined BOD₅ and SS strength of 450 mg/l or greater shall be subject to a surcharge according to the following schedule.

<u>MG/l</u>	<u>CENTS/GALLON</u>
450 to 549	5.0/1000
550 to 649	10.0/1000
650 to 749	15.0/1000
750 to 849	20.0/1000
850 to 949	25.0/1000
950+	30.0/1000

(C) The surcharge shall be adjusted annually based on the annual costs of wastewater treatment for suspended solids and the five-day biochemical oxygen demand for the previous year. The Town shall have the authority to adjust the surcharge, within the limits prescribed herein and in conformance with applicable regulatory agency rules, regulations, and guidelines that may now exist or may be promulgated relative to the subject.

Section 18. BUILDING SEWERS - BOARD OF HEALTH REGULATIONS.

No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the Board of Health.

Section 19. BUILDING SEWER PERMIT REQUIRED; FEES.

(A) No unauthorized persons 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 Town Sewer Department.

(B) There shall be one class of building sewer permits which include residential and commercial sewer permits and service to establishments producing industrial wastes.

(C) In the case of building sewer permits, the owner or his agent shall make application for the permit to the Town. The permit application shall be supplemented by any plan, specification, or other information considered pertinent in the judgment of the Town.

Section 20. SUPERVISION OF TAPPING; EXPENSE.

Any person desiring to tap a sewer may employ any licensed plumber to perform the work. The connection shall be made without injury to the sewer and in accordance with the permit and this Ordinance. It shall be the duty of the Town on notice of not less than 24 hours given by the applicant, to have an employee of the Town Sewer Department be present at the place of the tap to inspect the sewer installations and connections to the municipal sewers. The

entire expense of the tap and installation shall be paid by the person making the connection.

Section 21. CONNECTION INTO SEWER; EXPENSE.

(A) The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such a branch is available at a suitable location. If the public sewer is 15 inches in diameter or less and no properly located "Y" branch is available, the owner shall at his expense install a saddle "Y" on the public sewer at the location specified by the Town. Where the public sewer is greater than 15 inches in diameter and no properly located "Y" branch is available, a neat hole may be cut into the public sewer to receive the building sewer with an entry in the downstream direction at an angle of approximately 45 degrees. A 45-degree ell may be used to make the connection with the spigot and cut so as not to extend past the inner surface of the public sewer. The invert of the building sewer at the point of connection shall be the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and watertight by encasement in concrete. Special fittings shall be used for the connections as approved by the Town.

(B) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(C) Whenever the Town adopts a preliminary resolution for the permanent improvement of the roadway of any street, it shall in the resolution declare its intention of making, at the owner's expense, all private connections with sewers, gas, water, and other like pipes and public conveniences and bringing the connections inside the curb line of the street when it shall not be done by the abutting property owners.

Notice of this intention shall also be made a part of the notice to be given concerning the improvement of the street as required by law.

(1)† Should any owners of property abutting the proposed improvement fail to make the connections, the Town shall at once proceed to authorize the proper town official to do so at the owner's expense and the Town shall have the power to designate the official who shall perform the work of making the connections. The Town shall also have authority in the event it deems it necessary to cause the work of making the connections to be done by any competent contractor. The Town may also, if it deems necessary in the final resolution ordering the improvement, declare that all such connections as shall not be made by abutting property owners shall be made by the contractor, in which event bidders shall state the amount at which they are willing to make the connections based either on the frontage of the lots where the connections are to be made or otherwise as may be ordered by the Town.

(2) The cost of making the connections, whether by a town official designed by the Town or by contract, shall be a lien on the property of the owner and shall be included in and constitute a part of the assessment for the improvement of the street and shall be collectible in the same manner as expenses for other street or sewer improvements are collected.

Section 22. LAYING PIPES THROUGH SEWERS.

No person shall lay any gas, water, or other pipe or conduit of any kind through any sewer of the Town or make any opening or connection of any kind through, into, or with any sewer except for the purpose of making connection therewith as provided in this Ordinance.

Section 23. SEPARATE AND INDEPENDENT SEWERS.

A separate and independent building sewer shall be provided for every building, except when one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. The building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

Section 24. OLD SEWERS FOR NEW BUILDINGS.

Old building sewers may be used in connection with new buildings only when they are found on examination and tests by the Town to meet all requirements of this Ordinance.

Section 25. CONSTRUCTION REQUIREMENTS.

(A) The building sewer shall be cast iron soil pipe or vitrified clay sewer pipe or other suitable material in conformity with the Town and state building codes. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of a water service pipe shall be constructed of pressure rated joints. The size and slope of the building sewer shall be in conformity with the Town and state building codes, but in no event shall the diameter be less than six inches. The slope of the six-inch pipe shall be not less than 1/8-inch per foot.

(B) No building sewers shall be laid parallel to or within three feet of any bearing wall which might be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in directions shall be made only with properly curved pipes and fittings. In all buildings in which any building drainage is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged to the building sewer.

(C) No person shall construct a residential or commercial building with any plumbing located in its basement or any below ground level floor connected by gravity to the sanitary sewer unless the top of the nearest upstream manhole or cleanout with a pop-off cover on the sanitary sewer is a minimum of one foot lower than the elevation of the basement or floor in question. All plumbing located in basements or any below ground level floors shall be connected to an appropriate pump to direct the discharge from such plumbing to the sewer.

Section 26. ORDER TO REOPEN AND REPAIR.

The Town shall have the power to compel the person making the connection to repair it at any time and to reopen the drain or relay the pipe as in its opinion shall be necessary.

Section 27. EXCAVATIONS.

(A) All excavations required for the installation of the sewer shall be open trench unless otherwise approved by an employee of the Town Sewer Department. Pipe laying and backfill shall be performed in accordance with standard practices; however, no backfill shall be placed until the work has been inspected by an employee of the Town Sewer Department.

(B) All excavations for building sewer installations shall be adequately guarded with barricades and lights to be installed by the property owner. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town.

Section 28. RATES AND CHARGES.

The charges and rates to each user levied and assessed by this Ordinance shall be due and payable to the Sewer Department Office as and when charges for sewer consumption and sewer service charges are due and payable.



Section 29. RATE SCHEDULE.

(A) The rates and charges shall be collected for the use of, and the service rendered by, the sewage works of the Town from the owners of each and every lot, parcel of real estate, or building that is connected with or that uses any part of the sewage system of the Town or that in any way uses or is served by the works by discharging any sewage, industrial waste, water, or other liquids into the sewage works, including the real estate, buildings, and premises of the Town of Newburgh and the school corporation of Warrick County, the several townships thereof, the State, the federal government, and any district or political subdivision or agency thereof.

(B) The rates and charges shall be payable as herein provided and shall be in an amount determinable as follows:

Quantity of Water Used		Charge for
<u>Per Month</u>		<u>1,000 Gallons</u>
First	10,000 gallons	\$1.69
Next	10,000 gallons	1.61
Next	10,000 gallons	1.39
Next	10,000 gallons	1.18
Next	10,000 gallons	1.01
Next	10,000 gallons	0.85
Next	10,000 gallons	0.56
All over	70,000 gallons	0.34

The minimum charge for any user, where the user is a metered water consumer, shall be \$5.07 per month. The minimum charge for sewage services where the user is not a metered water customer of the utility serving the Town of Newburgh, shall not be less than the corresponding minimum monthly water meter charge as hereinbefore set forth and shall be estimated by and determined by means and methods satisfactory to the Town.

(C) The quantity of water obtained from sources other than the water utility serving said Town and discharged into the public sanitary sewer system may be determined by the Town in such manner as the Town shall elect, and the sewage treatment service may be billed at the above appropriate rates.

(D) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the water utility serving said Town, the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, wells, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge.

(E) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving said Town, and in addition uses water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charges, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetrical measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(F) In the event, a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(G) In the event two or more residential lots, parcels of real estate or buildings discharge sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(H) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable.

(I) For the service rendered to the Town of Newburgh, the Town shall be subject to the same rates and charges hereinabove provided or to rates and charges established hereinabove provided or to rates and charges established in harmony therewith.

(J) In order that the rates and charges may be justly and equitably adjusted to the service rendered, the Town shall have the right to base its charges not only on volume, but also on the strength and character of the sewage and

waste of which it is required to treat and dispose. The Town shall have the right to measure and determine the strength and content of all sewage and waste discharged, either directly or indirectly, into the Town's sanitary sewage system in such manner and by such method as may be deemed practical in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. Any and all commercial and industrial installations that control and/or treat their sewage wastes in order to maintain a sewage strength in their effluent discharged to the Town's sewers a combined 5-day BOD and SS strength of less than 450 mg/l shall be billed at the rates established for residential users.

(K) The rates and charges shall be prepared and billed by the Town of Newburgh, Indiana, and shall be collected in the manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served, unless otherwise requested in writing by the owners, but such billing shall in nowise relieve the owner from liability in the event payment is not made as herein required. Except for duplexes, only one billing will be made per meter. The owners of the property served, which are occupied by tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office of which said records are kept and during the hours that such office is open for business.

(L) The Town may make and enforce such regulations as may be deemed necessary for the safe, economic and efficient management of the Town's sewage works, including the sewer system and the treatment plant, for the construction and use of house sewers and connections to the sewer system, and for the regulation, collection, rebating and refunding of rates and charges.

(M) Each charge for such sewage works by or pursuant to this Ordinance is made a lien against and upon the corresponding lot, parcel or real estate, building or premises served by the Sewage Works, and if not paid on or before the due date thereof, the amount thereof, together with a penalty of ten percent (10%) of all such unpaid charges and a reasonable attorney's fee may be recovered by the Board in a Civil Action in the name of the Town after statutory notice is given.

Section 30. SEWER TAP-IN FEES.

(A) "DIRECT SEWER CONNECTION TAP-IN FEE." There shall be established a charge in the amount of Two Thousand Dollars (\$2,000.00) for the privilege of making a sewer connection other than an indirect connection, from any single-family residence to an existing sanitary sewer suitable for use as a lateral sewer by said single-family residence. The charge for said sewer connection shall be paid in full to the Town at the time that said connection to the municipal sewer system is made; provided, however, that said connection charge, upon written request of the customer or property owner, may be paid in four (4) equal installments over a two year period.

(B) "INDIRECT SEWER CONNECTION TAP-IN FEE." Where sewers may hereinafter be constructed by and at the sole cost of a subdivision proprietor or contractor who desires to connect said sewer to the Town's Municipal Sewer System, a connection charge in the amount of One Thousand Two Hundred Dollars (\$1,200.00) per single-family residential connection shall be charged for making such connection in such platted subdivision. This indirect sewer tap-in fee shall be in effect for a five (5) years period only, from and after the date the Town accepts the sewer, or portion thereof, from the proprietor/contractor. Thereafter, such connection shall be deemed direct tap-in.

(C) "TAP OPTIONS." In the event any real estate or improvements can reasonably be tapped into or connected to more than one sewer, the Town shall determine to which sewer the tap-in shall be made. Further, when, in the opinion of the Town, a developer has subdivided a parcel for use in such a manner to circumvent the intent of this Ordinance in assessing direct and indirect tap-in charges, the Town shall decide the tap-in fees.

(D) "RESIDENTIAL CONNECTION FEE COMPUTATION." A residential connection fee shall be based upon a water usage of 310 G.P.D. (gallons per day.)

(E) "COMMERCIAL, NON-INDUSTRIAL TAP-IN FEES."

(1) The charge for non-residential non-industrial connections shall be computed by establishing the total gallonage flow rate per day for the connection by dividing the total by 310 G.P.D. and multiplying the quotient by the amount of the residential sewer connection. Change in commercial use may require an additional tap-in fee. Commercial connections shall be apportioned as follows:

(a).	Institutions - Nursing Homes, Hospitals, etc. (per bed)	120 G.P.D.
(b).	Schools (without gymnasiums and showers) per student	15 G.P.D.
(c).	Schools (with gymnasiums and showers) per student	25 G.P.D.
(d)	Camps	
	(1) Per Toilet	400 G.P.D.
	(2) Showers	300 G.P.D.
	(3) Washing Facilities	5 G.P.D.
(e)	Mobile Home Parks (per space)	200 G.P.D.
(f)	Motels and Hotels (per room)	100 G.P.D.
(g)	Restaurants, Cafeterias, etc. (per square foot)	.35 GSFPD
(h)	Bars, Cocktail Lounges	.35 GSFPD
(i)	Manufacturing	
	0-4,999 square feet	.20 GSFPD
	<u>Add to Base 5000 square feet</u>	
	5,000 - 24,999 square feet	.050 GSFPD
	25,000 - 99,999 square feet	.0150 GSFPD
	100,000 - 499,999 square feet	.0125 GSFPD

500,000 - 999,999 square feet	.0100 GSFPD
Warehousing	
0-4,999 square feet	.100 GSFPD
<u>Add to Base 5000 square feet</u>	
5,000 - 9,999 square feet	.050 GSFPD
10,000 - 24,999 square feet	.0150 GSFPD
25,000 - 99,999 square feet	.0125 GSFPD
100,000 - 499,999 square feet	.0100 GSFPD
500,000 - 999,999 square feet	.0005 GSFPD
(j) (a) Offices	
0 - 4,999	.30 GSFPD
5,000 - 9,999	.25 GSFPD
10,000 and over	.20 GSFPD
(b) Banks and Financial Institutions	.30 GSFPD
(k) Theaters, Drive-ins (per parking ramp)	7 G.P.D.
(l) Theaters, indoor (per seat)	4 G.P.D.
(m) Service Stations (without car wash)	.25 GSFPD
(n) Service Station Establishments (with car wash)	
(all improvements except washing bay) .25 GSFPD plus	650 G.P.D/bay
(o) Service Stations, Garages, Mechanics, Repair	
Establishments	.25 GSFPD
(p) 1. <u>Duplexes, Condos, Townhouses and apartments with</u>	
<u>washer hookups</u>	
1 bedroom	200 G.P.D.
2 bedroom	260 G.P.D.
3 bedroom	310 G.P.D.
2. <u>Duplexes, Condos, Townhouses and apartments</u>	
<u>without washer hookups</u>	
1 bedroom	120 G.P.D.
2 bedroom	150 G.P.D.
3 bedroom and up	300 G.P.D.
(q) Churches (with kitchen)(per sanctuary seat or	
equivalency in case of benches)	5 G.P.D.
(r) Laundry (per washing machine)	110 G.P.D.
(s) Grocery Stores - with grinder facilities	.35 GSFPD

(t) Grocery Stores	.20 GSFPD
(u) Retail Establishments	.20 GSFPD
(v) Picnic Areas or Parks	
(1) per toilet	400 G.P.D.
(2) showers	300 G.P.D.
(3) washing facilities	5 G.P.D.
(w) (a) Club Houses, Community Houses, etc.	.35 GSFPD
(b) Not-for-profit, subject to attorney's opinion	.20 GSFPD
(x) Health Clubs, and beauty and barber shops, etc.	.30 GSFPD
(y) Self-service Car wash	650 G.P.D./Bay
(z) Day Care Center	.25 GSFPD

The Board has the right to establish the tap-in fee for any other non-listed commercial connection. GSFPD shall mean Gallons per Square Foot Per Day where noted above.

(2) Where a developer constructs, at his sole cost and expense, a sanitary sewer line to service a commercial subdivision which he is developing, then the tap-in charges for that real estate which lies adjacent to the sanitary sewer constructed by the developer shall be calculated as an indirect tap-in charge.

(3) Where any part of a commercial development is adjacent to an existing sanitary sewer maintained by the Town, then those commercial lots which border the existing sanitary sewer shall be assessed a calculated direct tap-in charge and shall be connected to the existing sanitary sewer.

(4) Where a developer subdivides a parcel for commercial use and where the principal structure in the commercial subdivision is a shopping center type facility, a direct tap-in fee charge shall be calculated and assessed the shopping center even when there are smaller subdivided lots between the shopping center and the Town maintained sanitary sewer.

(F) "INDUSTRIAL CONNECTIONS."

Industrial connection fees shall be by special permit and shall be based upon strength of sewage.

Section 31. RATE SCHEDULE SUBJECT TO PUBLIC INSPECTION.

The Town shall, on or before August 1, 1987 and every two years thereafter, file with the Town Clerk a report examining the rates and charges as per IC 19-2-5-20 and applicable federal law, and containing, if necessary, recommendations for adjustments or modifications. A copy of the schedule of rates and charges shall at all times be kept on file in the Sewer Department Office and in the office of the Town Clerk and shall be open for public inspection. The rates or charges so established shall be extended to cover any additional real estate, building, or premise thereafter served which falls within the classification of rates so established, without the necessity of any hearing or notice.

Section 32. MAINTENANCE RESPONSIBILITIES.

(A) Town: The Town shall maintain all accepted main sewer pipes, cleanouts, manholes, lift stations, force mains, and wastewater treatment plants.

(B) User: The user shall maintain all sewer pipes, cleanouts, manholes, lift stations and force mains on private property. The user shall also maintain all sewer pipes which serve as laterals originating from private property to their terminous with the main sewer pipe within public right-of-ways and public easements. The lateral includes the "Y" or connection onto the main sewer pipe.

(C) The Town shall have the power to compel any user, at his expense, to repair his sewer lateral if in the opinion of the Town, the sewer lateral is broken, collapsed, stopped up, or is causing surface subsidence.

(D) If upon proper written notification from the Town the user refuses to repair his sewer lateral, the Town shall make the needed repairs with town personnel or private contractors. The cost of these repairs shall be assessed the user.



Section 33. SUBDIVISION SEWER CONTRACTS.

Any developer who extends a sanitary sewer within a residential, commercial, or industrial subdivision shall obtain approval from the Town before construction begins. The minimal requirements include the following:

- (1) Execution of a sewer contract with the Town.
- (2) Receipt of a construction permit from the Indiana Department of Environmental Management.
- (3) Approval of plans and specifications by the Town.

Section 34. ACCEPTANCE OF SEWERS.

A request for acceptance by the Town of Newburgh of a sanitary sewer for maintenance shall be accompanied by the following documents:

(1) Copy of the letter of approval from the Indiana Environmental Management Board of the plans and specifications for the Sewer.

(2) A set of "as-built" sewer plan tracings of the sewer showing all hydraulic data and other information normally shown on sewer plans and two sets of prints. The tracings shall be signed by a registered professional engineer.

(3) A letter from a registered professional engineer verifying that the sewer is constructed as shown on the as-built plans and that the sewer meets all state and federal limits and the limits set out in this Ordinance.

(4) A statement from the person requesting acceptance of the sewer that to the best of his knowledge there are no roof drains, sump pumps or other surface water connections to the sewer.

Section 35. LAWS AND ORDINANCES, AND EFFECT THEREON.

The provisions of this Ordinance are cumulative to and do not supercede, pre-empt or invalidate, any zoning, building, health or other laws, ordinances or codes in effect as of the date hereof except, and to the extent that,

any such laws, ordinances or codes are in irreconcilable conflict with the terms and provisions of this Ordinance.

Section 36. GENERAL DISCHARGE PROHIBITIONS.

No discharger shall contribute or cause to be discharged, directly or indirectly, the following described substances into the wastewater disposal system or otherwise to the facilities of the Town.

(A) Pollutants which create a fire or explosion hazard in the POTW.

(B) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 10 unless the works is specifically designed to accommodate these discharges.

(C) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(D) Any pollutant, including oxygen demanding pollutants (BOD, and the like), released in a discharge at a flow rate or pollutant concentration which will cause interference with the POTW.

(E) Any liquid or vapor having a temperature higher than 150°F. or heat in amounts that the temperature at the wastewater treatment plant exceeds 40°C. (104°F.) unless the approval authority, upon request of the POTW, approves alternate temperature limits.

(F) Wastewater containing toxic pollutants in sufficient quantity to exceed the limitation set forth in applicable categorical pretreatment standards with removal credits granted.

(G) Any noxious or malodorous liquids, gases, or solids in quantities sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for their maintenance and repair.

(H) Substances which, by reason of their nature and

quantity, will cause the wastewater treatment plant to violate its NPDES permit.

(I) Substances with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

(J) Wastewater containing any toxic radioactive wastes or isotopes of such half-life or concentration as exceed limits established in compliance with applicable state or federal regulations.

(K) Any waters or wastes containing more than 200 milligrams per liter of fats, oils, greases, or waxes.

Section 37. LIMITATIONS OF WASTEWATER STRENGTH - NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

National categorical pretreatment standards as promulgated by the U. S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by applicable industrial source of the regulated industrial categories.

Section 38. STATE REQUIREMENTS.

State requirements and limitations on discharges to the POTW shall be met by industrial source which are subject to these standards in any instance in which they are more stringent than federal requirements and limitations or those in this chapter or any applicable ordinance.

Section 39. RIGHT OF REVISION.

The Town reserves the right to amend this chapter utilizing appropriate Town Board processing to provide for more or less stringent limitations or requirements on discharges to the wastewater treatment plant where deemed necessary to comply with the objectives.

Section 40. DILUTION.

Except where expressly authorized to do so by an applicable categorical pretreatment standard, no industrial user shall ever increase the use of process water or, in any other way, attempt to dilute a discharge as a partial or

complete substitute for adequate treatment to achieve compliance with this chapter.

Section 41. SUPPLEMENTARY LIMITATIONS.

(A) No discharger shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following values.

<u>Materials</u>	Maximum Daily
	<u>Discharge Limitation (mg/l)</u>
Cadmium	1.3
Chromium, Total	12
Copper	10
Cyanide, Amenable	1.0
Lead	9
Nickel	12
Zinc	14
Mercury	0.05
Methylene Chloride	10

(B) The discharge of polychlorinated biphenols (PCBs) is expressly prohibited.

Section 42. ACCIDENTAL DISCHARGES.

Each discharger shall provide protection from accidental discharges of prohibited or regulated materials or substances established by this chapter. Where necessary, facilities to prevent accidental discharge or prohibited materials shall be provided and maintained at the discharger's cost and expense.

Section 43. WASTEWATER DISCHARGES.

It shall be unlawful for industrial wastewater dischargers to discharge sewage, industrial wastes, or other wastes to any sewer within the jurisdiction of the Town, or to the wastewater treatment plant without a permit issued by the Town.

Section 44. GENERAL PERMITS.

All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes, or other wastes to the wastewater treatment plant shall obtain a wastewater discharge permit before connecting to or discharging to the wastewater treatment plant.

Section 45. PERMIT APPLICATION.

(A) Industrial dischargers shall complete and file with the Town a permit application in the form which the Town prescribed on the effective date of this chapter. Existing industrial dischargers shall apply for a wastewater discharge permit within 120 days after the effective date of this chapter, and proposed new dischargers shall apply at least 120 days prior to connecting to the wastewater treatment plant. No discharge permit shall be issued unless and until the following conditions have been met.

(1) Disclosure of the name, address, and location of the discharger.

(2) Disclosure of the Standard Industrial Classification (SIC) number according to the Standard Industrial Classification manual, Bureau of the Budget, 1972, as amended.

(3) Disclosure of wastewater constituents and characteristics.

(4) Disclosure of average daily wastewater flow rates, in gallons per day, including daily, monthly, and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Town due to cost or nonfeasibility.

(5) Disclosure of the nature and concentration of any pollutants in the industrial wastewater which, because of their nature and concentration, may be prohibited to this chapter, together with a statement regarding whether or not compliance is being achieved with this chapter on a consistent basis, and if not, whether additional operation and maintenance activities or additional pretreatment is required for the discharger to comply with this chapter.

(6) Where additional pretreatment or operation and maintenance activities will be required to comply with this chapter, the discharger shall provide a

compliance schedule by which the discharger will provide such additional pretreatment or implementation of additional operational and maintenance activities.

(a) The schedule shall contain milestone dates for the commencement and completion of events leading to the construction and operation of additional pretreatment required for the discharger to comply with the requirements of this chapter.

(b) Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Town. The progress report shall include no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between the progress reports to the city.

(7) All permit applications for new or modified permits shall be signed by a principal executive officer the level of vice president or higher of the discharger, and a certified wastewater treatment plant operator, and all renewable applications for existing permits shall be signed by a principal executive officer of the level of vice president or higher of the discharger.

(8) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 36 inches.

(B) The Town will evaluate the complete application and data furnished by the discharger and may require additional information within 15 days. The full evaluation will be completed within 30 days. Within 30 days after full evaluation and acceptance of the data furnished, the Town shall issue a wastewater discharge permit subject to the terms and conditions provided herein.

Section 46. PERMIT MODIFICATIONS.

The Town reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the Town with applicable laws and regulations.

(A) Within nine months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of each discharger subject to these standards shall be revised to require compliance with these pretreatment standards. All national categorical pretreatment standards adopted after the promulgation of this chapter shall be adopted by the Town as part of this chapter.

(B) Where a discharger, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by § 52.047, the discharger shall apply for a wastewater discharge permit from the Town within 180 days after the promulgation of the applicable national categorical pretreatment standard by the U.S. EPA.

(C) In addition, the discharger with an existing wastewater discharge permit shall submit to the Town within 180 days after the promulgation of an applicable national categorical pretreatment standard, the information required by § 52.074(A)(6) and (7).

(D) The discharger shall be informed of any proposed changes in his permit at least 90 days prior to the effective date of changes. Any changes or new conditions in the permit shall include an agreed-upon compliance schedule.

Section 47. PERMIT CONDITIONS.

Wastewater discharge permits shall specify no less than the following.

- (A) Type of industrial process at permit location.
- (B) Limits on the maximum wastewater constituents and characteristics as regulated by this chapter.
- (C) Limits on maximum rate and time of discharge or requirements for flow regulations and equalization.
- (D) Special conditions as the Town may reasonably require under particular circumstances of a given discharge, including sampling locations, frequency of sampling, number, types, and standards for test and reporting schedule.

Section 48. PERMIT DURATION.

All wastewater discharge permits shall be issued subject to amendment or revocation if the discharger changes as provided in this chapter. Under extraordinary circumstances, a permit may be issued for a stated period or may be stated to expire on a specific date.

Section 49. LIMITATIONS ON PERMIT TRANSFERS.

Wastewater discharge permits issued to a specific discharger are not assignable to another discharger without the prior written approval of the Town.

Section 50. RECORDS RETENTION.

All dischargers subject to this chapter shall retain and preserve for no less than three years, any records and reports relating to monitoring, sampling, and chemical analyses made by or in behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the Town pursuant thereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

Section 51. FALSIFYING INFORMATION.

Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater discharge permits; or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, shall be subject to penalties.

Section 52. REPORTING REQUIREMENTS FOR PERMITTEE COMPLIANCE DATE REPORT.

(A) Within 180 days following the date for final compliance by the discharger with applicable pretreatment standards, or 180 days following commencement of the introduction of wastewater into the wastewater treatment plant by a new discharger, any discharger subject to this chapter shall submit to the Town a report indicating the nature and concentration of regulated substances contained in its discharge, and the average and maximum daily discharge.

(B) The report shall state whether the applicable pretreatment standards are being met on a consistent basis and, if not, what additional O & M or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the discharger and by an Indiana licensed wastewater treatment plant operator.

Section 53. PERIODIC SELF-MONITORING REPORT FOR COMPLIANCE.

(A) In order for the Town to ensure that pretreatment standards are being met, a system of industrial monitoring and enforcement has been developed.

(1) Monthly reports shall be required for all industries who self-monitor on a monthly or bi-weekly basis and semi-annual reports for industries who self-monitor less frequently.

(2) The POTW will conduct scheduled and unscheduled sampling events to determine if an industry is in compliance.

(3) In addition, the treatment plants will be sampled regularly as a check.

(B) Enforcement will involve a system of hearings and penalties for industries who are not in compliance.

Section 54. INDUSTRIAL FILING SYSTEM.

(A) In order to ensure that the Town is aware of the status of industrial users discharging to the POTW, a filing system will be developed.

(B) This filing system will include, as required by federal and state guidelines, all of the permitted industrial users and will be used for maintaining correspondence, baseline reports, semi-annual self-monitoring reports, and information developed by industrial waste personnel in visiting and sampling the industries.

(C) Industrial users may inspect their file at any time.

Section 55. INSPECTION AND SAMPLING.

(A) The inspection and sampling of the individual industries will entail the following.

(1) Randomly select an industry for investigation.

(2) Visit the plant site to verify the correctness of existing information.

(3) Locate the sampling manhole.

(4) Set up an automatic sampler or samplers along with flow measuring devices, if necessary.

(5) Label samples and transport to laboratory for analysis.

(6) The Town shall provide the following.

(a) "Split samples" with the discharger of any samples collected.

(b) A list of all analysis to be completed.

(c) A written report of analytical results within 15 days of the sample collection.

(B) The industries will be sampled once annually on the average. In addition to the regularly scheduled samplings, the industrial waste division will also conduct a random "grab sampling" program to ensure that the pretreatment facilities are being utilized at all times.

(C) Self-monitoring by all industries shall be determined by their applicable discharge standards. Industries shall sample their outlets according to the schedule presented below and report the values in the semi-annual report. If an industry sufficiently demonstrates the absence of toxic pollutants in its discharge, an exemption may be granted. The type of analysis for each business shall be determined by the Town.

INDUSTRIAL ANALYSIS SCHEDULE

<u>Daily Water usage (gpd)</u>	<u>Frequency of Analysis</u>
1,000	Annually
1,000 - 10,000	Quarterly
10,000 - 50,000	Bi-monthly
50,000 - 250,000	Monthly
250,000	Bi-weekly

Section 56. FREQUENCY OF MONITORING.

The frequency of monitoring by the discharger shall be as prescribed in the applicable pretreatment standard of this chapter. All analyses shall be performed in accordance with standard methods.

Section 57. MONITORING FACILITIES.

(A) Each discharger shall provide, at the discharger's own expense, a monitoring facility as described in § 53,047, to allow inspection and sampling of each sewer discharge to the Town. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the discharger, the Town may concur with the facility being constructed in the public street or sidewalk area providing that the facility

is located so that it will not be obstructed by landscaping or parked vehicles.

(B) Monitoring shall commence within 90 days of receipt of the permit by the discharger.

Section 58. CONFIDENTIAL INFORMATION.

(A) Information and data furnished to the Town with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the discharger specifically requests and is able to demonstrate to the satisfaction of the Town that the release of this information would divulge information, processes, or methods of production entitled to protection as trade secrets or proprietary information of the discharger.

(B) When requested by a discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall only be made available upon written request to governmental agencies for uses related to this chapter, the National Pollutant Discharge Elimination System (NPDES) permit, and state pretreatment programs; provided, however, that these portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving failure of the discharger furnishing the report to meet the requirements of this chapter. Wastewater constituents and characteristics will not be recognized as confidential information.

(C) Information accepted by the Town as confidential shall not be transmitted to any governmental agency or to the general public by the Town until and unless a 15-day notification is given to the discharger. The discharger is allowed to review requested information and is allowed to withdraw information not required.

Section 59. REPORTS.

(A) Any noncategorical industry which is not in compliance with the Town's ordinance limitations must develop a compliance schedule during which time the industry must meet the Town's standards. The schedule should contain increments of progress (hiring engineers, starting construction, and the like) which correspond to specific dates for their completion. These represent major events leading to the operation of pretreatment equipment to meet the Town's pretreatment standards.

(B) All industrial users subject to these conditions must submit a progress report to the Town no later than 14 days following each date in the compliance schedule. This report must include whether it complied with the increment of progress to be met on that date, the reasons for delay if the date was not met, and the steps taken to return to compliance. In no event can more than nine months elapse between progress reports.

Section 60. BASELINE REPORTS.

Within 180 days after the effective date of a categorical pretreatment standard, or 180 days after the final administrative decision made on a category, whichever is later, existing industrial users subject to the categorical pretreatment standards shall submit to the Town a report containing the information listed in paragraph (B) of paragraph 403.12(B) of the General Pretreatment Regulation (40 CFR 403).

Section 61. COMPLIANCE SCHEDULE REPORTS FOR CATEGORICAL INDUSTRIES.

(A) Whenever an industrial user subject to categorical pretreatment standards is not meeting the standards at the time of promulgation of that standard, a compliance schedule report shall be filed within 180 days after final promulgation with the pretreatment program administrator. The schedule shall contain increments of progress (such as

hiring an engineer, completing plans, commencing construction, completing construction, and the like), which correspond to specific dates for their completion.

(B) All industrial users subject to these conditions must submit a progress report to the Town no later than 14 days following each date in the compliance schedule including the final date for compliance. This report must include, at a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply, the reasons for delay, and the steps being taken by the industrial user to return the construction to the schedule established. In no event can more than nine months elapse between the progress reports.

Section 62. COMPLIANCE DATE REPORT.

Within 90 days following the date for final compliance with an applicable pretreatment standard, any industrial user subject to those standards must submit to the Town a report indicating the nature and concentration of all pollutants in the discharge generated from the regulated process which are limited by categorical pretreatment standards.

Section 63. PRETREATMENT FACILITIES OPERATIONS.

If pretreatment or control of waste flows is required, the facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, and laws.

Section 64. ENFORCEMENT SYSTEM.

(A) Industries found to be in violation of industrial waste pretreatment requirements will be notified of the violation via certified mail.

(1) This notification will state the nature of the violation and request a representative of the

industry to contact the pretreatment program administrator to arrange for a conciliation hearing.

(2) If hazardous or emergency conditions exist, the company will be notified by phone or telegram to appear immediately or on the following day.

(3) At the time of notification of violation of pretreatment standards, the company's file will be placed into a separate violator's file, in order to assure that all violators will be dealt with.

(B) At the conciliation hearing, the nature and extent of the violation will be reviewed; and the company will be asked to present a plan and schedule for attaining compliance. When the compliance date is agreed upon and compliance is verified by the pretreatment program administrator, the company file will then be placed with all other industries in compliance.

(C) If the conciliatory process breaks down, the administrator of the pretreatment program will recommend that the company be required to show cause why its discharge of pollutants to the POTW should not be prohibited. Show cause hearings will be formal hearings where legal testimony will be taken. Field personnel may be called upon to testify concerning their activity in the matter. These hearings should result in an order by the Town which will require the violator to comply with pretreatment requirements by a certain date.

(D) After the Town has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(E) If the company fails to comply with the Town order, the administrator of the pretreatment program will

recommend that a lawsuit be filed to seek injunctive relief and a fine for each day that the company's discharge is in violation. The Town will be represented in show cause hearings and in court by a member of its legal staff.

(F) Following a court-ordered compliance date, the company's effluent discharge will be resampled, each sample being processed such that the chain of evidence is maintained. Each case will be pursued until the violator is in compliance.

(G) At the end of each year, the administrator will arrange to publish in the Town's largest daily newspaper the companies who have been in significant violation of pretreatment requirements.

(H) A significant violation will be any of the following.

(1) A violation for which a compliance schedule has not been submitted 45 days after notification of noncompliance.

(2) A violation which is part of a pattern of noncompliance over a 12-month period.

(3) A violation which involves a failure to accurately report compliance.

(4) A violation which resulted in the POTW exercising emergency authority.

Section 65. RIGHT OF APPEAL.

Any discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Town on any matter covered by this chapter and shall be entitled to a written report within 30 days of the submission of the request. In the event that such inquiry is by a discharger and deals with matters of performance or compliance with this chapter or deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of a discharger's request shall stay all

enforcement proceedings pending receipt of the aforesaid written reply.

Section 66. REVOCATION OF PERMIT.

If the governing state or federal regulations change, the Town may revoke the permit granted. Additionally, any user who violates the following conditions of his permit or of this chapter, or of applicable state and federal regulations, is subject to having his permit revoked. Violations subjecting a user to possible revocation of his permit include, but are not limited to, the following.

(A) Failure of a user to accurately report the wastewater constituents and characteristics of its discharge.

(B) Failure of the user to report significant changes in operations or wastewater constituents and characteristics.

(C) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring.

(D) Violation of conditions of the permit.

(E) Falsifying reports or tampering with samples.

Section 67. OPERATING UPSETS.

Any discharger which experiences an upset in operations which places the discharger in a temporary state of noncompliance with this chapter or a wastewater discharge permit issued pursuant thereto shall inform the Town wastewater treatment plant thereof within 4 hours of first awareness of the upset. Where this information is given orally, a written follow-up report thereof shall be filed by the discharger with the Town within ten days. The report shall specify the following.

(A) Description of the upset, the probable cause, and the upset's impact on a discharger's compliance status.

(B) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance

continues, the time by which compliance is reasonably expected to occur.

(C) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of an upset or other conditions of noncompliance.

Section 68. RECOVERY OF COSTS INCURRED BY TOWN.

Any discharger who is found to have violated any of the provisions of this chapter shall be liable to the Town for documented and agreed expense, loss, or damage caused by the violation or discharge. The Town shall document and present for review and discussion the costs incurred by the Town for any cleaning, repair, or replacement work caused by the violation or discharge.

Section 69. NOTICE OF VIOLATIONS; LIABILITY.

(A) Any person found to be violating any provisions of this Ordinance shall be served 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 the notice, permanently cease all violation or be subject to a civil action for enforcement and/or damages.

(B) Any person violating any provision of this Ordinance may become liable to the Town for any expense, loss, or damage occasioned by the Town by reason of the violation, including fines or penalties levied against the Town by the Federal Environmental Protection Agency, Indiana Stream Pollution Control Board, Indiana Environmental Management Board, or any other regulatory agency having jurisdiction, as a result of the violation.

(C) Any violation of this Ordinance may subject the violator to a civil penalty of \$2,500 per violation. Each day that such violation exists shall be deemed a separate violation.

This ordinance shall be in full force and effect from and after its passage and signing by a majority of the Board of Trustees of the Town of Newburgh, Indiana.

APPROVED AND ADOPTED by the President and the Members of the Board of Trustees of the Town of Newburgh and attested thereto by the Clerk-Treasurer of the Town of Newburgh, Indiana, on this 23 day of January, 1987, at 8:00 o'clock p.m.

Donald J. Lee
President

Norman E. Dahn

Robert A. Hamm

William E. Wells

Daniel C. Baulby

ATTEST:

Sally K. Diaz
Clerk-Treasurer

FILED

JAN 23 1987
1987-1

Docket No. SALLY K. DIAZ
Clerk-Treasurer Town of Newburgh