

ORDINANCE 2011-14

**AN ORDINANCE REGULATING THE USE OF PUBLIC AND PRIVATE
SEWERS AND DRAINS, PRIVATE SEWAGE DISPOSAL, THE
INSTALLATION AND CONNECTION OF BUILDING SEWERS, AND THE
DISCHARGE OF WATERS AND WASTES INTO ROCKPORT'S
WASTEWATER SYSTEM AND PROVIDING PENALTIES FOR VIOLATIONS
THEREOF**

Be it ordained and entered by the Common Council of the City of Rockport, State of Indiana, as follows:

Article 1. General Provisions

- 1.01 Definitions
- 1.02 Bylaws and regulations of the Board of Public Works and Safety
- 1.03 Right-of-entry of Superintendent and Inspector to any premises
- 1.04 Notification of accidental discharges
- 1.05 Limitations on point of discharge
- 1.06 Licensed commercial or industrial waste hauling
- 1.07 Special agreements
- 1.08 Damaging or defacing sewage works property
- 1.09 Falsifying information

Article 2. Sewer Connection Regulations

- 2.01 Private sewage disposal systems restricted
- 2.02 When connection is required
- 2.03 Construction of building or house to lateral sewers
- 2.04 Determining major contributor
- 2.05 Separate sewer requirements
- 2.06 Old building or house lateral sewers

- 2.07 Connection of downspouts, drains and the like
- 2.08 Inspection and supervision of connections
- 2.09 Connections outside corporate limits
- 2.10 Prohibition of discharge to natural outlets
- 2.11 Right to prohibit new connections
- 2.12 Violations of wastewater admissibility requirements or terms of major contributor permits
- 2.13 Introduction of inflow sources prohibited
- 2.14 Construction of new combined sewers prohibited; Inspection upon change in ownership
- 2.15 Private well regulations
- 2.16 Sewer lines constructed by third parties

Article 3. Wastewater Admissibility; Discharge Regulations

- 3.01 Major contributor permits
- 3.02 Major contributor permit applications; fee
- 3.03 Surveillance survey charge
- 3.04 Monitoring of major contributors
- 3.05 Prohibited and restricted discharges
- 3.06 Application of surcharge for certain wastewater concentrations
- 3.07 Prohibition of certain wastewater concentrations
- 3.08 Technological findings
- 3.09 Grease, oil and sand interceptors
- 3.10 Liability for maintenance of pretreatment and other equipment
- 3.11 Right to reject waste

ARTICLE 1. GENERAL PROVISIONS

1.01 DEFINITIONS.

(A) For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(B) Unless otherwise defined herein, terms shall be as adopted in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, and American Water Works Association, and the Water Pollution Control Federation and as set forth in 40 CFR 136. Waste constituents and characteristics shall be measured by Standard Methods or in any other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods.

BENEFICIAL USERS. These include, but are not limited to, domestic, municipal agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

BIOCHEMICAL OXYGEN DEMAND (BOD). As applied to sewage, sewage effluent, polluted waters or industrial wastes, is the quantity of dissolved oxygen in mg/l required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20° C. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods, therein and conventionally referred to as BOD₅.

BOARD. The City Board of Public Works and Safety. It is the governing body of the sewerage system of the city, which system is a public service.

BUILDING. Any structure having a roof supported by columns or walls for the shelter, support, enclosure or protection of persons, animals, chattels or other property. When separated by a party wall, without opening through the wall, each portion of the building shall be considered a separate building.

BUILDING DRAIN. The lowest horizontal piping of a building drainage system which receives the discharge from soil pipes, waste pipes and other drainage pipes inside a building and conveys it to a point outside of the building.

CHEMICAL OXYGEN DEMAND (OR COD). As applied to sewage, sewage effluent, polluted waters or industrial wastes, is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in Standard Methods.

CITY. The City of Rockport, Indiana.

COMBINED SEWER. A sewer which carries storm surface or ground water runoff in addition to sewage.

CONSTITUENTS AND CHARACTERISTICS (OF WASTEWATER). The chemical, physical, bacteriological and radiological properties, including volume, flow rate and any other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

EFFLUENT. The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

GARBAGE. Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.

INCOMPATIBLE POLLUTANTS. Any pollutants which are not compatible pollutants.

INDUSTRIAL WASTES. Any solid, liquid or gaseous substance or form of energy which is charged, permitted to flow into or enter the sewerage system from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person, and **INDUSTRIAL WASTES** shall further mean any waste from an industrial user, but not including sanitary sewage or storm water.

INFILTRATION. The water entering the sewerage system directly or via private sewers, building drains and building sewers connected therewith from the ground, through means such as, but not limited to, defective pipe joints, connections or manhole walls.

INFLOW. Water other than wastewater entering the sewerage system from sources such as leaders, cellars, yard areas and foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street wastewater or drainage.

INSPECTOR. A person authorized by the Board or the Superintendent to perform inspection duties assigned to him or her by the Board or Superintendent.

LATERAL SEWER. The extension from the building drain to the sewerage system or other place of disposal.

MAJOR CONTRIBUTOR. A user discharging or introducing into the sewerage system:

- (a) A flow of more than 50,000 gallons per average workday;
- (b) A toxic pollutant in toxic amounts as defined in 307 P.L.92-500, as now adopted or as hereafter amended;
- (c) A flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Board;
- (d) An effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent; or
- (e) Any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment.

MAY. The act referred to is both permissible and approved.

NORMAL DOMESTIC SEWAGE. Sewage as discharged by residential users with a BOD₅ concentration not in excess of 275 mg/l and a suspended solids concentration not in excess of 2.75 mg/l.

NPDES PERMIT. National Pollutant Discharge Elimination System permit now or hereafter held by the city and setting forth conditions for the discharge of any pollutants or combination of pollutants.

NUISANCE. Any substance which is injurious to health or offensive to the senses of an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

PERSON. Any natural person, or public or private corporation, or any other entity whatever.

pH. The conventional scientific measure of the degree of acidity or alkalinity.

POLLUTION. An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders the water unfit for beneficial users.

PUBLIC SEWER. A sewer owned by the city.

RECEIVING SEWER SYSTEM. The city sewer system.

SANITARY SEWAGE. Sewage such as, and having the characteristics of, domestic sewage from dwellings including apartment houses and hotels, office buildings, factories, or institutions free from storm and surface water and industrial wastes.

SANITARY SEWER. A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, government buildings, industrial buildings and institutions.

SEWER. A pipe or conduit laid for carrying sewage or other liquids and solids suspended or entrained therein.

SEWERAGE SYSTEM. The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to the wastewater treatment plant, and the wastewater treatment plant itself.

SHALL. The act referred to is mandatory.

SHREDDED 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 one-half-inch in dimension.

STORM SEWER. A sewer intended to carry only storm waters, surface runoff, street wash waters, and drainage.

SUPERINTENDENT. The Superintendent of the Sewer Department, subject to the control of the Board in all matters.

SUSPENDED SOLIDS. Solids which either float on the surface of or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtration. Their concentration shall be expressed in mg/l. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

USER. A person who introduces into or discharges into, including both the owner and occupant of real estate from which it is introduced or discharged into, the sewerage system any substances whatever.

(a) ***RESIDENTIAL USER.*** A user who introduces only normal domestic sewage from a single-family or multi-family dwelling into the sewerage system.

(b) ***COMMERCIAL USER.*** Transit lodging, retail and wholesale establishments or places engaged in providing merchandise for personal, household or industrial consumption and/or rendering services to others.

(c) ***INSTITUTIONAL USER.*** A publicly or privately owned school, hospital, nursing home, prison or other similar institution whose wastes are segregated domestic wastes.

(d) ***GOVERNMENTAL USER.*** A user engaged in legislative, judicial or administrative activities of federal, state and local governments, such as court houses, police and fire stations, city halls and similar governmental users.

(e) **INDUSTRIAL USER.** A user engaged in the manufacturing, production or processing of goods, materials or other tangible products.

WASTE. Sanitary sewage and any and all other waste substances, including liquid, solid, gaseous or radio-active, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including waste placed within containers or whatever nature prior to, and for purposes of, disposal.

WASTEWATER. The water-carried waste from residences, commercial buildings, government buildings, institutions and industrial buildings, singular or in any combination, together with any ground, surface and storm waters as may be present.

WASTEWATER TREATMENT PLANT. Any arrangement of devices and structures used by the City or treatment and disposing of sewage, sludge, and other sewage constituents and products.

1.02 BYLAWS AND REGULATIONS OF THE BOARD OF PUBLIC WORKS AND SAFETY.

The Board of Public Works and Safety may adopt and enforce any reasonable regulations not in conflict herewith as may be deemed necessary for the safe, economical and efficient management of the city's sewerage system and wastewater treatment plant, and for the construction and use of building lateral sewers and connections to the sewerage system, which regulations may include limitations of or prohibition of introduction of or infiltration by storm water, surface water and ground water into the sewerage system.

1.03 RIGHT-OF-ENTRY OF SUPERINTENDENT AND INSPECTOR TO ANY PREMISES.

The Superintendent, inspector or other duly authorized employee of the city, upon reasonable notice to any person who is owner, tenant or occupant of any real estate, is empowered to enter, upon presentation of proper credentials, all premises for the purposes of inspection, observation, measuring, sampling and testing water, sewage and industrial waste.

1.04 NOTIFICATION OF ACCIDENTAL DISCHARGES.

(A) A user shall notify the Superintendent immediately upon discharging, accidentally or otherwise, chemicals, corrosive substances, or any other matter that is or may be deleterious to the sewerage system or treatment process, or wastewaters in violation of this chapter, to enable countermeasures to be taken by the city to minimize damage to the sewerage system, treatment processes and the receiving stream.

(B) This notification shall be followed within seven days of the date of occurrence by a detailed written report, signed by the user, describing the causes of the discharge and the measures being taken to prevent future similar occurrences.

(C) The notification will not relieve users of liability for any expense, loss or damage to the sewerage system, wastewater treatment plant or treatment process, or any fines or penalties imposed by the city, which expense, loss or damage shall be paid for by the user.

1.05 LIMITATIONS ON POINT OF DISCHARGE.

No person shall discharge any substance directly into a manhole or other opening in the sewerage system other than through the approved building or house lateral sewer, except in accordance with the terms of this chapter or by express permission of the Board.

1.06 LICENSED COMMERCIAL OR INDUSTRIAL WASTE HAULING.

(A) A person who is a licensed commercial or industrial waste hauler may not discharge compatible pollutants and those incompatible pollutants transported pursuant to the license within the limits of admissibility set out herein to the wastewater treatment plant at any time or place.

(B) However, the Board may accept a discharge if it elects in given cases to do so. Wastewater so received must have been generated within the county.

1.07 SPECIAL AGREEMENTS.

Special agreements and arrangements between the city and any person within the county may be established by the Board within the terms and intent of this chapter when, in the opinion of the Board, unusual or extraordinary circumstances compel special terms and conditions whereby an unusual wastewater may be accepted for treatment, subject to payment of applicable fees.

1.08 DAMAGING OR DEFACING SEWAGE WORKS PROPERTY.

A person shall not maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the city sewerage system.

1.09 FALSIFYING INFORMATION.

(A) A person shall not knowingly make or submit to the city a false statement, representation, record, report, plan or other document required to be filed hereunder or under a duly adopted regulation of the Board, or voluntarily filed with the intent that the

city rely thereon, falsify, tamper with or knowingly render inaccurate any monitoring, testing, measuring or timing device required or installed under these regulations.

(B) A person shall not, during any monitoring or surveillance period, alter industrial processes or other activities for the purpose of rendering samples drawn or measurements taken during the monitoring or surveillance unrepresentative or uncharacteristic of normal operations, flows or concentrations of pollutants.

ARTICLE 2. SEWER CONNECTION REGULATIONS

2.01 PRIVATE SEWAGE DISPOSAL SYSTEMS RESTRICTED.

Except as otherwise provided by the Board, the city, or the state or any of its agencies, a person shall not construct or maintain a privy, septic tank, cesspool or other facility intended or used for the disposal of wastewater; except that existing septic tank systems and fields may be repaired and maintained in accordance with applicable laws and ordinances.

2.02 WHEN CONNECTION IS REQUIRED.

Any person owning or occupying a house or other building for residential, commercial, institutional, governmental or industrial use, located on any property situated within the city or within the city's wastewater service area and abutting on any street, alley or easement in which there is now located or may in the future be located a public sewer or combined sewer of the city, is required at his or her expense to install suitable wastewater facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter or any other ordinance, within 90 days after date of official notice to do so, provided that the public sewer is within 100 feet of the property line. The persons shall not discharge sewage elsewhere than into the sewage system. Nothing in this section shall be construed to require the connection of any structure to a sewer if wastewater is not generated in the structure.

2.03 CONSTRUCTION OF BUILDING OR HOUSE TO LATERAL SEWERS.

The size, shape, alignment, materials or construction of a building or house lateral sewer and the methods to be used in excavating, placing the pipe, jointing, testing and backfilling the trench shall conform to the requirements of the city.

2.04 DETERMINING MAJOR CONTRIBUTOR.

Each commercial and industrial user shall supply the city with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a major contributor.

2.05 SEPARATE SEWER REQUIREMENTS.

A separate and independent building or house lateral sewer shall be provided for every building or house; except where one building or house stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building or house through an adjoining alley, court, yard or driveway. In these cases, the building or house lateral sewer from the front building or house may be extended to the rear building or house, and the whole considered as one building or house lateral sewer. Nothing in this section shall be construed to apply to lateral sewer connections between different facilities of an industrial user located on contiguous properties.

2.06 OLD BUILDING OR HOUSE LATERAL SEWERS.

(A) Old building or house lateral sewers may be used in connection with new buildings or houses only when they are determined, upon examination and test by the inspector, to meet all requirements of this chapter.

(B) Whenever reasonably possible, the building or house lateral sewer shall be brought to the building or house at an elevation below the basement floor. In all buildings or houses in which any building or house drain is too low to permit gravity flow to the appropriate public sewer, wastewater carried by the building or house drain shall be lifted by an appropriate means and discharged to the building or house lateral sewer.

2.07 CONNECTION OF DOWNSPOUTS, DRAINS AND THE LIKE.

No user shall hereafter connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots or other sources of surface, runoff or groundwater to a building or house lateral sewer or building or house drain which is in turn connected directly or indirectly to the sewerage system.

2.08 INSPECTION AND SUPERVISION OF CONNECTIONS.

The applicant for the building or house lateral sewer permit shall notify the Board or its designated representative when a building or house lateral sewer is ready for inspection and connection to the sewerage system. The connection shall be made under the supervision of the Inspector or his or her representative using materials and techniques conforming to the requirements of the Board. The applicant shall give notice before the burial or covering of the lateral sewer, and shall not cover or bury the sewer until the inspection is completed and the connection approved.

2.09 CONNECTIONS OUTSIDE CORPORATE LIMITS.

A person shall not directly or indirectly make any connections with or openings into the sewerage system for the purpose of serving any areas outside the corporate boundaries of the city or within Rockport's wastewater service area without first securing

a specific resolution of the Board describing the real estate and property to be served and authorizing the connection.

2.10 PROHIBITION OF DISCHARGE TO NATURAL OUTLETS.

It shall be unlawful to discharge to any natural outlet within the city, or in any areas under the jurisdiction of the city, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.

2.11 RIGHT TO PROHIBIT NEW CONNECTIONS.

The city shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Board to accommodate the expected flow, BOD, suspended solids or other constituents of wastewater discharged by the prospective sewer user.

2.12 VIOLATIONS OF WASTEWATER ADMISSIBILITY REQUIREMENTS OR TERMS OF MAJOR CONTRIBUTOR PERMITS.

(A) The Board shall have the following methods of recourse in the event of repeated or willful failure by a user to meet the wastewater admissibility requirements provided in Article 3, Sections 3.05 through 3.11.

(B) In addition, the city shall have and the Board may exercise all other legally available remedies.

(1) When the City finds that a discharge of wastewater has been taking place in violation of the admissibility requirements of Article 3, Sections 5 through 11 or the provisions of a major contributor permit, the city may require the user to submit for approval a detailed time schedule of specific actions, acceptable to the Board, which the user shall take in order to prevent or correct a violation of requirements.

(2) When the City finds that a discharge of wastewater has taken place or is likely to take place in violation of the admissibility requirements of Article 3, Sections 5 through 11 or a major contributor permit, the Board may issue an order to cease and desist, and may direct that the user not complying with the requirements to:

- (a) Comply forthwith;
- (b) Comply with a time schedule set forth by the Board; or
- (c) Take appropriate remedial or preventive action.

(3) When the City finds that a discharge of wastewater is in violation of the admissibility requirements of Article 3. Sections 5 through 11 or the provisions of a major contributor permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the Board on behalf of the City, may petition any court of proper jurisdiction for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, in restraining the continuance of the discharge.

(4) The City may revoke any major contributor permit or terminate or cause to be terminated wastewater service, in whole or in part, if a violation of any provisions of this chapter or the major contributor permit is found to exist, or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this chapter, or causes the City to violate the terms of its NPDES permit or any state or federal law or regulations.

(5) Any user affected by any decision, action or determination, including cease and desist orders, made by the Superintendent interpreting or implementing the provisions of this chapter, any permit issued herein, or any action, decision or regulation of the Board adopted pursuant thereto, may file with the Board a written request for review and reconsideration within ten days of the decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The appeal shall, if reasonably possible, be heard by the Board within 30 days from the date of filing. The Superintendent's decision, action or determination shall remain in effect during the period of reconsideration unless the Board otherwise determines on request of the user.

2.13 INTRODUCTION OF INFLOW SOURCES PROHIBITED.

No user of the sewer system shall introduce any inflow sources to any sanitary sewer.

2.14 CONSTRUCTION OF NEW COMBINED SEWERS PROHIBITED; INSPECTION UPON CHANGE IN OWNERSHIP

(A) The City hereby prohibits construction of any new combined sewers within the City Sewer System. The City further requires that any new construction as a tributary to an existing combined sewer be designed to minimize or delay inflow contribution to the existing combined sewer. Furthermore, the City hereby requires that for any new building constructed the inflow/clearwater connection to a combined sewer shall be made separate and distinct from the sanitary wastewater connection to facilitate disconnection of the former if a separate storm sewer subsequently becomes available.

(B) (1) Except as hereinafter provided, upon the change in ownership of every residential lot, parcel of real estate or building that discharges sanitary wastes into the sanitary sewer system of the City, said property shall be inspected for proper sanitary sewer connections, inflow and infiltration. No water service shall be provided to such property until a

satisfactory certificate of inspection has been issued by the Wastewater Department.

(2) The inspection required hereunder shall be at the owner's cost and shall include televising and recording the condition of the sewer lateral leading from the premises to the City's sewer main, and entrance onto the property to verify that no sump pump, foundation drains, downspouts, or other prohibited connections are connected to the sanitary sewer system and that the sewer lateral is functioning property.

(3) No water service shall be provided to such premises until such time as any defects or improper connections found by such inspection have been corrected at the owner's expense and to the satisfaction of the Wastewater Superintendent, or his designee.

(4) Once inspected, any such property receiving a satisfactory certificate of inspection shall not be subject to reinspection under this section for a period of five (5) years.

(5) The owner of any such property who fails or refuses to have said property inspected after transfer pursuant to this section shall be responsible or guilty of an ordinance violation and upon entry of judgment or conviction shall be liable for a fine in the sum of Twenty-Five Dollars (\$25.00). Each day a violation continues after written notice to the owner for compliance with this section shall constitute a separate violation or offense.

2.15 PRIVATE WELL REGULATIONS.

(A) Every owner or occupant of real estate within the corporate limits or the wastewater service area of the City or real estate from which there is a lateral sewer or other means or path of direct or indirect flow into the sewerage system shall, on a form provided by the Board, report the existence of any well to the Superintendent. The information furnished on the form by the owner or occupant shall include, among other items, the name of the owner and occupant of the real estate, the location on the real estate of the well, the size of the well pipe, the size, including voltage, amperage and horsepower where ascertainable, of the well pump motor, and the purpose for which the well water is used by the owner, occupant or others.

(B) The Board shall determine by any reasonable means, including, but not limited to, the use of water meters and timing devices, the flow of the well in order to determine the amount of sewage entering the sewage system. The owner or occupant of the real estate shall pay for the metering device, which shall be of a type approved by the Board, and which shall remain the property of the owner but shall be under the exclusive control of the Board and shall not under any circumstances be tampered with by the owner, occupant or any other person. In the case of wells for household use only the

Board may, in lieu of metering or timing the use of the well, provide for use of reasonable estimates regarding water volume.

(C) The Board may direct the Superintendent, inspector or any other employee to enter upon private property for the purpose of inspecting to determine the existence of private wells, to oversee or to direct the installation of metering or timing devices, and to read the meters and devices.

(D) A person shall not hereafter dig or drive a well within the City limits without first making application therefore to the Superintendent, which application shall be on a form approved by the Board and shall show all pertinent data regarding size and flow. The application shall be signed by both the installer of the well, meaning the contractor or other person doing the work, and the owner or his or her agent other than the installer. The failure to file the application shall be a violation of this chapter.

2.16 SEWER LINES CONSTRUCTED BY THIRD PARTIES.

The following policy is hereby adopted for use by the City Sewage Department in the acceptance for ownership, operation, and maintenance, of any sanitary sewer line or facilities constructed by a third party, as follows:

(A) The person or entity desiring to construct such sanitary sewer lines or facilities shall, prior to the commencement of any construction activities, contact the Superintendent of the City Sewage Department and shall provide the Superintendent with such information, including plats and drawings, as the Superintendent determines, in his or her sole discretion, is reasonably necessary or convenient to make a determination as to the circumstances under which such proposed sewer lines or facilities may or may not be accepted by the city for its ownership, operation and maintenance.

(B) The Superintendent may, in his or her sole discretion, determine to seek the advice and input of such engineers and other professionals, on behalf of the city, as the Superintendent determines is necessary in order to make determinations pursuant to this section. If the Superintendent decides to seek the advice or input of such professionals, he or she shall obtain a cost estimate therefor, and forward the cost estimate to the person or entity desiring to construct such sanitary sewer lines or facilities, and such persons shall thereupon be responsible for the reimbursement to the city of all of its costs in obtaining the advice or input of such professionals.

(C) Upon review, by the Superintendent and such outside professionals as the Superintendent determines to use pursuant to division (B), of the materials submitted by the person desiring to make the construction of such sewer lines or facilities, and upon such further review and investigation as may be made by the Superintendent or the professionals hired by him or her, a determination shall be made as to whether the proposal by the person desiring to build such sanitary line or facility is suitable, and if not, what changes, alterations, or additions need to be made to the same. Upon the person desiring to construct such line or facilities making the changes, alterations or

additions proposed by the Superintendent, the Superintendent shall then make a recommendation to the Common Council as to whether such sewer line or facility should be accepted by the city, following its construction, for ownership, operation and maintenance by the city.

(D) Upon the Common Council making a preliminary determination of the acceptance of such sewer line, construction of the same may commence.

(E) All construction work shall be inspected by the Sewer Superintendent or his or her designee and therefore, all installations must remain exposed until inspected and approved by the Superintendent or his or her designee. If any installation does not remain exposed until such inspection, the Superintendent may require the installation to be uncovered and exposed for inspection.

(F) The City Sewage Department reserves the right to oversee installation and approval of all materials used in the sewer line construction and reserves the right to change procedures and material type at any time during the period of construction, if in the sole opinion of the Superintendent, conditions warrant the change.

(G) Upon completion of the construction in such manner as approved by the sewer Superintendent, the person or entity constructing the line shall post with the City a bond, with sureties thereon approved by the City, in an amount deemed necessary or reasonable by the City to cover all repair and replacement expenditures on such sewer line for a period of one year. Upon such bond being posted, the City will then make a determination as to the rates and charges to be made to the users of such sewer line, and upon such determination being made and agreed to by the person or entity installing the line, and the posting of the aforesaid bond, the City may thereupon accept the ownership, operation and maintenance of such sewer line or facility.

ARTICLE 3. WASTEWATER ADMISSIBILITY; DISCHARGE REGULATIONS

3.01 MAJOR CONTRIBUTOR PERMITS.

(A) Any industrial user and any other user of the Board shall provide the City with sufficient information to determine if he or she is a major contributor. Any user determined to be a major contributor shall be required to obtain a permit which describes the wastewater constituents and characteristics allowed, and which sets forth the applicable surveillance schedule and the monitoring requirements the user shall be subject to in order to discharge into the sewerage system. A major contributor permit shall be valid for four years unless processing changes are made that, in the opinion of the Superintendent or Board, alter the wastewater constituents and characteristics significantly. In the event of this change, a new application shall be filed accordingly. A permit may be renewed without reapplication at the end of four years at the discretion of the City.

(B) Nothing in a major contributor permit shall constitute an exception to the prohibitions and limitations on wastewater admissibility as set forth herein. Major contributors are subject to all applicable fees, rates and charges adopted by the City.

(C) The holder of any NPDES permit from the state shall file with the Superintendent a copy of each report or application the permit holder files with the state, and the copy is to be filed with the City not later than three business days after the filing with the appropriate state authority. Each user who applies to the state for an NPDES permit shall similarly file a copy of the application and all supporting documents with the City within the three-day time period.

3.02 MAJOR CONTRIBUTOR PERMIT APPLICATIONS; FEE.

(A) Major contributors shall make application for the proposed discharge on a form provided by the City. The permit application shall be supplemented by any plans, specifications, studies or other information considered pertinent by the Board.

(B) Major contributors shall pay an initial major contributor permit fee of \$100 for connection to the sewage works.

(C) To establish a feasible surveillance schedule, the following classes of major contributors are formed:

<i>Class</i>	<i>Qualification</i>	<i>Minimum Surveillance Schedule</i>
A	Flow of 100,000 gallons per day or more per average workday	Quarterly
B	Flow from 40,000 to 100,000 gallons per average workday or discharge with constituents or characteristics that result in a major contributor classification	Semiannually

(D) The surveillance period will normally be for a period of seven consecutive days, but can be of longer or shorter duration at the discretion of the Board or Superintendent. In cases where the surveillance periods extend for a greater number of consecutive days than seven, the City shall have the prerogative of selecting the seven consecutive days of its choice for establishing rates and charges.

3.03 SURVEILLANCE SURVEY CHARGE.

(A) The charge for each surveillance survey shall be \$20 per day with a maximum charge for seven days of \$140. The Board may adopt a schedule of lower, but not higher surveillance fees, and may waive surveillance fees in proper instances, particularly when surveillance is to detect or determine improper discharge found not to exist.

(B) Where the industry has an ongoing pretreatment facility or system approved by the state or by the Board there will be no surveillance fee, unless the Board finds that the user of the pretreatment facility or system has repeatedly violated the effluent standards applicable to the user.

3.04 MONITORING OF MAJOR CONTRIBUTORS.

(A) A major contributor shall install, at its own expense, a suitable control manhole or other access means, together with any necessary appurtenances in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater, and any sampling devices as may be reasonably necessary, all unless otherwise instructed by the city. A user may be required by the City to install the manholes or other access means to verify his or her status as a major contributor or otherwise. The manholes or other access means and sampling and testing devices shall be constructed and maintained to the City's satisfaction at the expense of the user. The City shall have the right of access to the manhole and sampling and testing devices at all times in order to verify the accuracy of the equipment and obtain samples.

(B) The City may provide monitoring equipment during a surveillance period for control manholes or other access means.

(C) Monitoring equipment shall, unless otherwise specified by the City, include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a 24-hour period. Nothing in this section shall be construed to require sewer access or sampling equipment for lateral sewers of facilities in which no industrial wastes are generated or disposed of in the sewage system.

3.05 PROHIBITED AND RESTRICTED DISCHARGES.

(A) No person shall discharge to the sewerage system wastes which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances, any of the following occurrences:

- (1) Fire or explosion;
- (2) Obstruction to the flow in sewers or other interference with the operation of the plant;
- (3) Danger to life or safety of personnel;
- (4) Inhibition of biological activity in the plant resulting in interference due to the discharge of heat, but in no case may heat be discharged in quantities so that the temperature at the treatment works influent exceeds 40° C;

- (5) A nuisance or hindrance of the effective maintenance or operation of the sewer system, such as that having an unusually strong or unpleasant odor;
- (6) Air pollution by the release of toxic or unusually malodorous gases or malodorous gas-producing substances;
- (7) Corrosive or structural damage to the system, but in no case discharges with a pH lower than 5.5 or higher than 9.5;
- (8) The wastewater treatment plant's effluent or any other product of the treatment process, residues, sludge or scum, to be unsuitable for reclamation, disposal, or to interfere with the reclamation process, or to fail to meet any of the limitations set by the federal or state agency or the terms of the city's NPDES permit.

(B) Unpolluted water shall not be discharged through direct or indirect connection to the sewerage system. Limitations on the amount of unpolluted water that is discharged shall be part of the major contributor's permit.

(C) No person shall discharge or cause to be discharged any radioactive waste into the sewerage system.

(D) Only properly shredded garbage, as defined in § 1.01, may be discharged into the sewerage system.

3.06 APPLICATION OF SURCHARGE FOR CERTAIN WASTEWATER CONCENTRATIONS.

(A) All constituents and characteristics which singularly or in combination may damage structures, impair the operation of the wastewater treatment plant, interfere with the treatment process or impair the quality of the receiving stream or its tributaries including, but not limited to, the constituents and characteristics set forth in division (B) below, with maximum concentration set forth therein.

(B) Any person discharging wastewater with pollutants in excess of the following concentrations shall be subject to a surcharge

- (1) A BOD₅ concentration in excess of 275 mg/l; or
- (2) A suspended solids concentration in excess of 275 mg/l.

(C) The rate of surcharge, in addition to volumetric charges, for the following constituents shall be as follows:

- (1) For BOD in excess of 275 mg/l, a surcharge of \$.097 per pound;

- (2) For COD where BOD cannot be determined in excess of 550 mg/l, a surcharge of \$.097 per pound; and
- (3) For suspended solids in excess of 275 mg/l, a surcharge of \$.082 per pound.

(D) Section 3 of Ordinance No. 1993-3 which addressed excessive BOD and suspended solids is hereby repealed and superseded by this Section 3.06(A), (B), and (C).

3.07 PROHIBITION OF CERTAIN WASTEWATER CONCENTRATIONS.

(A) A person shall not discharge any wastewater containing waste concentration in excess of those allowed under the applicable national pretreatment standards.

(B) If no pretreatment standard exists, the following concentration prohibitions shall apply, unless modified by the Board:

- (1) A temperature higher than 150° F (65.5° C);
- (2) A pH lower than 6.0 or higher than 9.5;
- (3) 0.20 mg/l; cadmium;
- (4) 0.25 mg/l hexavalent chromium (Cr, VI) for 1 day, or 0.09 mg/l hexavalent chromium for any 30-consecutive day average;
- (5) 2 mg/l copper;
- (6) 0.20 mg/l cyanide amenable to chlorination (CN, A) for 1 day, or 0.08 mg/l cyanide amenable to chlorination for any 30-consecutive day average;
- (7) 0.64 mg/l cyanide, total (CN, T) for 1 day, or 0.24 mg/l cyanide total for any 30-consecutive day average;
- (8) 1.00 mg/l lead;
- (9) 0.20 mg/l mercury;
- (10) 0.80 mg/l nickel;
- (11) 0.10 mg/l silver;
- (12) 1 mg/l zinc;

- (13) 200 mg/l oil and grease of animal or vegetable origin;
- (14) 100 mg/l oil and grease of mineral or petroleum origin;
- (15) 1 mg/l phenols as tested by method 4aap;
- (16) Other concentrations than stated above are prohibited if applicable state or federal regulations or regulations of the Board set different maximum concentrations;
- (17) Any other substance or concentration thereof prohibited to all users or classes of users by state or federal law, or regulation now or hereafter adopted by the Board; and/or
- (18) Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process or to constitute a hazard to humans or animals, or to create any hazard in the receiving waters of the treatment plant.

3.08 TECHNOLOGICAL FINDINGS.

The limitations imposed in § 3.07 (B)(1) through (18) are found by the Common Council to be those attainable by the best practical technology. Limitations adopted by the Board shall in all cases be based on the best practical technology.

3.09 GREASE, OIL AND SAND INTERCEPTORS.

(A) Grease, oil and sand interceptors shall be provided at all restaurants, and at all industrial or commercial enterprises when, in the opinion of the city, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials.

(B) All interceptors shall be approved by the city and shall be readily and easily accessible for cleaning and inspection. All grease, oil and sand interceptors shall be installed and maintained by the user, at his or her expense, in continuously efficient operation at all times.

3.10 LIABILITY FOR MAINTENANCE OF PRETREATMENT AND OTHER EQUIPMENT.

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the user at his or her expense, and shall at all reasonable times be open to inspection and testing by the city.

3.11 RIGHT TO REJECT WASTE.

The city shall have the right to reject waste and prohibit the introduction of rejected waste into the sewerage system, or the city may require pretreatment of the waste when the strength or character of the waste could cause damage to or interfere with the operation of the sewerage system.

ARTICLE 4. PENALTY.

(A) Any user found to be violating any provision of this chapter may be served by the Board 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 violations.

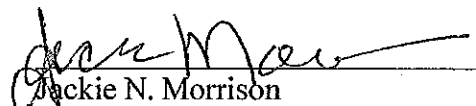
(B) Any user who shall violate any provision of this chapter shall be subject to judgment for a class C infraction. Each day in which any violation shall continue shall be deemed a separate infraction.

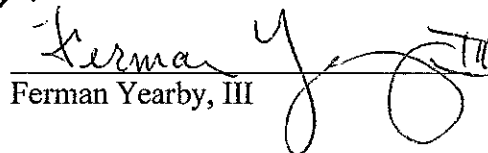
(C) Any user violating any of the provisions of this chapter shall become liable to the Board for any expense, loss or damage, including attorneys' fees, occasioned the Board by reason of the violation.

(D) Nothing in this section shall restrict any right which may be provided by statute or common law to the agency to bring other actions, at law or at equity.

DULY ADOPTED BY THE CITY OF ROCKPORT, INDIANA. This the 3rd
day of October, 2011.

Common Council:


Jackie N. Morrison


Ferman Yearby, III

Julie F. Payne

Robert C. Mack
Robert C. Mack

Connie L. Hargis
Connie L. Hargis

Presented by me to the Mayor of the City of Rockport, Indiana on the 3rd day
of October, 2011 at 6:45 o'clock p.m.

Elizabeth S. Naef
Elizabeth S. Naef
Clerk-Treasurer

Approved and signed by me this 3rd day of October, 2011 at 6:46
o'clock p.m.

Harold Goffinet
Harold Goffinet, Mayor
City of Rockport