

**ORDINANCE NO. 2023-08**  
**STEUBEN LAKES REGIONAL WASTE DISTRICT**  
**AMENDED AND RESTATED SEWER USE ORDINANCE**

This Amended and Restated Ordinance (“Ordinance”) shall amend and restate, in its entirety that certain Use Ordinance No. 2015-05, dated May 14, 2015, as Amended and Restated by that certain Use Ordinance No. 2018-02, dated February 8, 2018, as Amended and Restated by that certain Use Ordinance No. 2018-10, dated October 11, 2018, as Amended and Restated by that certain Use Ordinance No. 2019-01, dated March 14, 2019, as Amended and Restated by that certain Use Ordinance No. 2019-05, dated June 13, 2019, as Amended and Restated by that certain Use Ordinance No. 2019-06, dated September 12, 2019 and as Amended and Restated by that certain Use Ordinance No. 2020-04, dated August 13, 2020 regulating the connection to and use of public and private Sewers and drains, the installation and connection of Building Sewers, and the discharge of waters and wastes into the Sewerage System of the Steuben Lakes Regional Waste District (SLRWD), Steuben County, Indiana hereinafter referred to as the “Municipal,” “Municipality” or “District” and providing penalties for violations thereof.

**SECTION I – GENERAL**

**I-1 PURPOSE AND OBJECTIVES**

- A. This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the Municipality and enables the Municipality to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and amendments thereof and the general pretreatment regulations (40 CFR 403).
- B. The objectives of this Ordinance are:
  - (1) To prevent the introduction of pollutants into the Municipal wastewater treatment system which will interfere with the operation of the system or contaminate the resultant Sludge;
  - (2) To prevent a Pass-Through; and
  - (3) To improve the opportunity to recycle and reclaim wastewater and Sludge from the system.

**I-2 DEFINITIONS**

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. All capitalized terms, not otherwise defined herein, shall have the meaning as given to them in the Sewer Rate Ordinance (as hereinafter defined).

**ACT.** The Federal Water Pollution Act as amended by the Clean Water Act, being 33 USC 1251 *et seq.*

**APPROVAL AUTHORITY.** The Indiana Department of Environmental Management.

**BIOCHEMICAL OXYGEN DEMAND (BOD) or CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD).** Of Sewage, Sewage Effluent, polluted waters or

Industrial Waste, means the quantity of dissolved oxygen in milligrams per liter 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 shall be made in accordance with procedures set forth in *Standard Methods*.

**BOARD OF TRUSTEES.** The governing body of the Steuben Lakes Regional Waste District as duly appointed in accordance with the Indiana Code.

**BUILDING (OR HOUSE) DRAIN.** That part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of building and conveys to a point approximately three feet outside the foundation wall of the building.

- a. Building Drain – Sanitary – A building drain which conveys sanitary or industrial Sewage only.
- b. Building Drain – Storm – A building drain which conveys storm water or other clearwater drainage.

**BUILDING (OR HOUSE) SEWER.** The pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the Public Sewer or other place of disposal.

- a. Building Sewer – Sanitary – A Building Sewer, which conveys sanitary or industrial Sewage only, but no storm drainage.
- b. Building Sewer – Storm – A Building Sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial Sewage.

**CHEMICAL OXYGEN DEMAND (COD).** Of Sewage, Sewage Effluent, polluted waters or Industrial Waste, 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 determinations shall be made in accordance with procedures set forth in *Standard Methods*.

**COMBINED SEWER.** Shall mean a sewer intended to receive both wastewater and storm or surface water. Combined Sewers are prohibited from connection to the SLRWD system.

**COMPATIBLE POLLUTANT.** Shall mean a biological oxygen demand, Suspended Solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:

- a. chemical oxygen demand,
- b. total organic carbon,
- c. phosphorus and phosphorus compounds,

- d. nitrogen and nitrogen compounds, and
- e. fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

**COMPOSITE SAMPLE.** Should contain a minimum of eight discrete samples taken at equal time intervals over the composite period or proportional to the flow rate over the composite period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

**CONTROL AUTHORITY (CA).** The commissioner of the Indiana Department of Environmental Management.

**DAILY DISCHARGE.** Discharge of pollutant measured during a calendar year or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

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

**ENGINEER.** The duly authorized Engineering representative of the Board of Trustees of the Municipality. The individual designated may be the Municipality’s Engineer, Superintendent of the WWTP, consulting civil or environmental engineer to the Municipality, or some similar, acknowledged technically qualified person.

**ENVIRONMENTAL PROTECTION AGENCY (EPA).** The U.S. Environmental Protection Agency, where appropriate, the term may also be used as a designation for the administrator or other authorized official of the agency.

**EQUIVALENT USER.** The Average Daily residential flow upon which commercial or high use establishments are evaluated for load on the treatment works and for establishing charges. (see **Rate Ordinance**)

**FECAL COLIFORM.** Shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in Sanitary Sewage is an indicator of pollution.

**FLOTABLE OILS.** Shall mean oil, fat, grease in any physical state, such that will not separate by gravity from wastewater by treatment in a pretreatment facility approved by the Municipality.

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

**GRAB SAMPLE.** A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

**INCOMPATIBLE POLLUTANTS.** Any pollutant that is not a Compatible Pollutant.

**INDUSTRIAL USER.** An indirect discharger

**INDIRECT DISCHARGER.** A non domestic discharger introducing pollutants into the Sewerage System, regardless of whether the discharger is within the boundaries of the District. Any reference herein or obligation of a User shall include an Industrial User.

**INDUSTRIAL WASTE.** Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined in this Ordinance.

**INDUSTRIAL WASTE (PRETREATMENT) PERMIT.** A permit to deposit or discharge Industrial Waste into any Sanitary Sewer as issued by the Municipality.

**INFILTRATION.** Shall mean the water entering the Sewerage System, including Building Drains and Sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls (Infiltration does not include and is distinguished from inflow.)

**INFILTRATION/INFLOW (I & I).** Shall mean the total quantity of water from both Infiltration and inflow without distinguishing the source.

**INFLOW.** Shall mean the water discharged into a new Sewerage System, including Building Drains and Sewers, from such sources as, but not limited to: roof leader, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm Sewers, and Combined Sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (inflow does not include and is distinguishable from infiltration).

**INFLUENT.** The water, together with any wastes that may be present, flowing into a drain, Sewer, receptacle or Outlet.

**INSPECTOR.** Shall mean the person or persons duly authorized by the Municipality, through its Board of Trustees, to inspect and approve the installation of Building Sewers and their connection to the Public Sewer coordination.

**INTERFERENCE.** The inhibition or disruption of the Municipal treatment processes or operations, its sludge, process, or its selected sludge use of disposal methods; operations which contributes to a violation of any requirement of the Municipality's NPDES permit including an increase in the magnitude or duration of a violation; or prevents the use of the District's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:

- a. Section 405 of the Clean Water Act (33 USC 1345)
- b. The Solid Waste Disposal Act (SWDA)(42 USC 6901)
- c. The Clean Air Act (42 USC 7401) and
- d. The Toxic Substances Control Act (15 USC 2601)

**LICENSED CONTRACTOR** A licensed contractor approved by the Steuben County Building Department licensed for the service he or she is performing.

**MAXIMUM DAILY DISCHARGE LIMITATIONS.** The highest allowable *Daily Discharge*.

**NATIONAL CATEGORICAL PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with 33

USC 1317(b) and (c) of the Act, which applies to a specific category of Industrial Users.

**NEW SOURCE.** Any source, the construction of which is started after the publication of proposed regulations stating an Applicable Pretreatment Standard or Pretreatment Requirement will be applicable to such 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.

**NPDES PERMIT.** The National Pollutant Discharge Elimination System permit which sets the conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to 33 USC 1342.

**NORMAL DOMESTIC SEWAGE.** As defined in the Sewage Rate Ordinance shall mean wastewater or Sewage having an average daily concentration as follows:

Phosphorous – not more than 10 mg/l  
 S.S. – not more than 275 mg/l  
 Ammonia – not more than 45 mg/l  
 CBOD – not more than 275 mg/l

As defined by origin, wastewater from segregated domestic and/or sanitary conveniences as distinct from industrial processes.

**OUTLET.** Any Outlet, natural or constructed, which is the point of final discharge of Sewage or of treatment plant Effluent into any Watercourse, pond, ditch, lake or other body of surface or ground water.

**PASS-THROUGH** A discharge proceeding through the Sewage Works into the waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the District's NPDES permit, including an increase in the magnitude or duration of a violations

**PERSON.** Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.

**pH.** The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.

**POINT SOURCE.** Means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft from which pollutants are or may be discharged. The term does not include return flows from irrigated agriculture.

**POLLUTION.** An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such water for beneficial uses or facilities which serve such beneficial uses. The human-made or human-induced alteration of the chemical, physical, biological and radiological integrity of water.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than Pretreatment Standard, imposed on an industrial user, including applicable local limits.

**PRETREATMENT STANDARDS.**

- a. state pretreatment standards as established in 327 IAC 5-18-8;
- b. pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2; and
- c. national categorical pretreatment standards incorporated by reference in 327 IAC 5-18-10.

**PUBLIC SEWER.** A pipe, conduit, grinder pump system, air release valves, pumping stations, manholes, valves or any other components which is owned and controlled by the Municipality for carrying sewage or other waste liquids.

**PRIVATE SEWER.** Shall mean a Sewer which is not owned by a public authority.

**RECEIVING STREAM.** The Watercourse, stream or body of water receiving the waters finally discharged from the WWTP.

**RESIDENTIAL PROPERTY UNIT.** A building under one roof designed, arranged and used primarily for dwelling purposes by a single family.

**REPAIR SERVICE CHARGE.** an assessment levied for damage or abuse of the Public Sewer and Sewerage System owned or operated by the District

**SANITARY SEWAGE.** Sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and Industrial Waste.

**SERVICE CHARGE.** The basic assessment levied on all Users of the Public Sewerage system for wastes which do not exceed in strength the concentration values above which a Strength-of-Wastes Surcharge will be made.

**SEWAGE.** The water-carried wastes from residences, commercial buildings, institutions and industrial establishments, singular or in any combination, together with such unintentional ground, surface and storm waters as may be present.

**SEWAGE WORKS.** All facilities for collecting, transporting, pumping, treating and disposing of sewage and Sludge, namely the Sewerage System and WWTP.

**SEWER.** A pipe or conduit for carrying sewage or other waste liquids.

- (1) **SANITARY SEWER.** A Sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial wastewaters are not intentionally admitted.
- (2) **STORM SEWER.** A Sewer which carries storm, surface and ground water drainage but excludes Sanitary Sewage.

**SEWERAGE SYSTEM AKA PUBLICLY OWNED TREATMENT WORKS (“POTW”).**

Sewage Works owned by the State or a Municipality, except that it does not include pipes, sewers or other conveyances not connected to a facility providing treatment. The term includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or compatible industrial wastes. The term also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. "POTW" also means the Municipality that has jurisdiction over the indirect discharges to and the discharges from such treatment works.

**SHALL.** Is mandatory, **MAY** is permissive.

**SIGNIFICANT INDUSTRIAL USER.** A user of the Sewage Works that:

- a. Industrial Users subject to categorical pretreatment standards under 327 IAC 5-18-10
- b. discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the Sewage Works;
- c. contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the WWTP; or
- c. is designated as a significant industrial user by the Control Authority on the basis that the industrial user has a reasonable potential to:
  - i. adversely affect the Sewage Work’s operation; or
  - (ii) violates:
    1. Pretreatment Standards; or
    2. A requirement of 327 IAC 5-19-3.

**SIMPLEX GRINDER PUMP.** Grinder Pump, simplex control box, and tank that services a single family residential unit or similar sized connection.

**SPECIFICATIONS.** The requirements, standards, equipment, plans, specification and other guidelines and requirements contained in the District’s “Development Standards, Details and Specifications Manual” as amended from time to time.

**SLUDGE.** Any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial WWTP, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under 33 USC 1342 and 33 USC 1345 and in the applicable requirements under 42 USC 6921, 42 USC 6924, and 42 USC 6944 of the Solid Waste Disposal Act (SWDA), being 42 USC 6901 *et seq.*

**SLUG.** Shall mean any discharge of water or wastewater which exceeds a flow quantity ten (10) times the Average Daily flow within any 10 minute period, or which the Average

Daily Concentration of any constituent is exceeded by 3 times within a 10 minute period, that may adversely affect the Collection or treatment system.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the *Standard Industrial Classification Manual* issued by the Executive Office of the President, Office of Management and Budget, or latest edition.

**STANDARD METHODS.** The examination and analytical procedures set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

**STORM WATER POLLUTION PREVENTION PLAN (SWPPP).** A plan prepared to control erosion in accordance with Indiana Administrative Code Title 327 IAC 15-5.

**SUPERINTENDENT.** The *Superintendent* of the WWTP of the Municipality or his or her duly authorized representative.

**SURCHARGE.** A charge for sewerage services in addition to the basic Service Charge.

- (1) **STRENGTH-OF-WASTES SURCHARGE.** The extra charges for sewerage service assessed customers whose Sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the Service Charge.
- (2) **WASTE SURVEILLANCE CHARGE.** A monthly charge collected from Users qualifying as industrial-class Users to defray the cost of evaluating customer's waste by metering and laboratory devices and/or any other methods deemed necessary.

**SUSPENDED SOLIDS.** Solids which either float on the surface of or are in suspension in water, Sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in *Standard Methods*.

**TOTAL SOLIDS.** Shall mean the sum of suspended and dissolved solids.

**TOXIC AMOUNT.** Concentrations of any pollutant or combination of pollutants which upon exposure to any organism will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to 33 USC 1317(a).

**TOXIC POLLUTANT.** Those substances referred to in 33 USC 1317(a) as well as any other known potential substances capable of producing toxic effects.

**UNPOLLUTED WATER.** Is water of quality equal to or better than the Effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the Sanitary Sewers and wastewater treatment facilities provided.

**UPSET.** An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable standard due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate



treatment facilities, lack of preventative maintenance or careless or improper operation of the facilities.

**USER** Any person, group of people, company, business, corporation, governmental entity or organization of any kind who discharges any material into the Public Sewer and Sewerage System. Includes, but is 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 of reserves, and other uses, both tangible and intangible, as specified by state or federal law.

**VOLATILE ORGANIC MATTER.** Shall mean the material in the Sewage solids transformed to gases or vapors when heated at 550 degrees C. for 15 to 20 minutes.

**WASTEWATER CONSTITUENTS AND CHARACTERISTICS.** The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and other parameters that serve to define, classify or measure the contents, quality, quantity and strength and wastewater.

**WASTEWATER TREATMENT PLANT (WWTP).** The arrangement of devices, structures and equipment used for treating and disposing of Sewage and Sludge.

**WATERCOURSE.** A channel in which a flow of water occurs either continuously or intermittently.

### I-3 ABBREVIATIONS

As used in this Ordinance.

CFR	Code of Federal Regulations
IDEM	Indiana Department of Environmental Management
ISDH	Indiana State Department of Health
mg	milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
O & M	Operation and Maintenance
POTW	Publicly Owned Treatment Works (SLRWD Treatment Works)
SIC	Standard Industrial Classification
SLRWD	Steuben Lakes Regional Waste District
TSS	Total Suspended Solids
WWTP	Wastewater Treatment Plant
SWPPP	Storm Water Pollution Prevention Plan

### I-4 GENERAL SEWER USE REGULATIONS

- A. *Unsanitary deposit of objectionable waste.* It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Municipality, or in any area under the jurisdiction of the Municipality, any human or animal excrement, Garbage or other objectionable waste.

- B. *Unlawful discharge to natural Outlet.* It is unlawful to discharge to any Outlet, natural or constructed within the Municipality, or in any area under the jurisdiction of the Municipality, any Sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.
- C. *Septic tank construction/use.* Except as herein provided, it shall be unlawful to construct or maintain a private septic tank system, privies, cesspools or similar systems intended or used for the disposal of Sanitary Sewage, or to change the use of said system from a Sanitary Sewer system to any other use.
- D. *Toilet facilities; Sewer connection.* The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Municipality and abutting on any street, alley, easement or right-of-way in which there is now located or may in the future be located a public Sanitary Sewer of the Municipality, is required at his or her expense to install suitable public toilet facilities, and to connect the facilities directly with the proper Public Sewer, in accordance with Indiana Code 13-26-5-2(8) and this Ordinance within 90 days after date of written notice to do so (provided in accordance with Indiana Code), unless exempt from connection pursuant to IC 13-26-5-2.5 or IC 13-26-5-2.6.

#### **I-5 PRIVATE SEWAGE DISPOSAL**

- A. *Required where Sewer unavailable.* Where a public Sanitary Sewer is not available, the Building Sewer shall be connected to a private Sewage disposal system complying with the provisions of the Indiana State Department of Health (ISDH) and the Steuben County Health Department.
- B. *Construction permit: application.* Before commencement of construction of a private Sewage disposal system the owner shall first obtain a written permit signed by the Municipality’s Superintendent and the Steuben County Health Department. The application for such permit shall be made on a form furnished by the Municipality, which the applicant shall supplement by any plans, specifications and other information as deemed necessary by the Board of Trustees. A permit and inspection fee of \$75 shall be paid to the Municipality at the time the application is filed in addition to the fee for any County permit required.
- C. *Construction permit: inspection.* A permit for the construction of a private Sewage disposal system shall not receive final approval until the installation is completed to the satisfaction of the Board of Trustees. The Municipality’s Superintendent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered.
- D. *Health Department approval.* The type, capacities, location and layout of a private residential Sewage disposal system shall also be approved by the Steuben County Health Department, and comply with all recommendations of the Indiana State Department of Health. **All commercial systems shall be submitted to and approved by the ISDH and the Steuben County Health Department before filing with the SLRWD.**

- E. *Connection to available Public Sewer.* At the time a Public Sewer becomes available to a property as provided in Indiana Code 13-26-5-2(8) served by a private Sewage disposal system, if the property is not otherwise exempt from connection as may be permitted in Indianan Code 13-26-5-2.5 and 13-26-5-2.6, the Municipality may apprise the affected property owner of this availability by certified mail. A direct connection shall then be made to the Public Sewer in compliance with this Ordinance and Specifications, at the owner’s expense, within 90 days of the receipt of the notice except as may otherwise be provided by IC 13-26-5-2.5 and IC 13-26-5-2.6. In addition, all septic tanks seepage pits, outhouses, pit privies and similar private Sewage disposal facilities shall be abandoned and filled in a safe and sanitary manner in accordance with all applicable state and local laws, rules, regulations and ordinances.
- F. *Sanitary operation and maintenance.* The owner shall operate and maintain the private Sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality. The owner shall protect from abuse and damage the Municipal portion of the Sanitary Sewer collection system located on the owner’s property.
- G. *Grinder pumps*
- (1) No grinder pump which has been installed by a developer or property owner shall be accepted by the Municipality for maintenance by the Municipality unless the grinder pump conforms to Specifications and installation has been inspected and approved by the Municipality’s Superintendent or his designated representative.
  - (2) When connecting to the Sewage System a Simplex Grinder Pump may be shared for up to two units if permitted by the Specifications, and one-half of the cost of equipment and installation shall be passed onto the owner making the new connection if the Simplex Grinder Pump and Tank System is already installed. Otherwise this cost is shared between both property owners.
  - (3) The District’s Board of Trustees may from time to time alter or amend the Specifications regarding such grinder pumps, and such changes shall be effective as the Board of Trustees shall direct.

## **SECTION II – CONNECTIONS**

### **II-1 TAP PERMIT AND PAYMENT OF OBLIGATIONS.**

- A. No owner or occupant of any real property shall tap or drain either directly or indirectly into any Public Sewer until a Sewer tap permit has been obtained and until he or she has satisfied his or her obligation to pay all assessments, reimbursements or pro rata shares of Sewer extension costs laid against that property for Public Sewers installed to serve it. A tap permit given in error or sewerage Service Charges billed to a property in error shall not operate to nullify any such legal obligation that has been duly recorded.
- B. The Board of Trustees shall have the authority to require an owner of real property to disconnect from a Building Sewer which drains into a Sanitary Sewer any downspout, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have 30 days after notice to comply with this requirement.

- C. No person shall make any new connection of roof downspout; exterior or interior foundation drains or sump pumps; areaway drains; exterior pool drains (or drainage directly from any pool); or other sources of surface runoff or ground water to a Building Drain which in turn is connected directly or indirectly to the Sewage System.

**II-2 PROPER DESIGN AND CONNECTION REQUIRED.**

The Board of Trustees shall prohibit any new connection from inflow sources into the Sanitary Sewer portions of the Sewerage System and shall ensure that new Sewers and connections to the Sanitary Sewers are properly designed and connected as provided in the Specifications.

**II-3 EXTENSIONS OUTSIDE THE MUNICIPALITY’S JURISDICTIONAL LIMITS.**

- A. The installation, construction or extension by the Municipality outside the jurisdictional limits of the Municipality and the connection or extension of Sewers into the Municipality’s Sewerage System from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Board of Trustees.
- B. Notwithstanding the provisions of division (A), the Board of Trustees of the Municipality shall have the authority to permit a property located outside its jurisdictional limits to connect to an existing Sewer which is part of the Municipality’s Sewerage System, provided the property abuts, adjoins and is immediately contiguous to the street, alley or Easement in which the Sewer is located and provided the property owner or occupant has complied with all the conditions set out herein.

**II-4 BUILDING SEWER PERMITS.**

- A. *Permit; required.* No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any Public Sewer or appurtenance without first obtaining a written permit from the Superintendent or his designated representative. This permit may be obtained only by the owner or a licensed plumbing contractor and must be approved by the Superintendent or his or her representative prior to being issued. No permit shall be issued to any applicant with a past due account with the SLRWD.
- B. *Permit; classes; application.* There shall be two classes of Building Sewer permits: one for residential and commercial service; and one for service to establishments producing Industrial Waste. In either case, the owner or a Licensed Contractor shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

**II-5 COSTS BORNE BY OWNER; INDEMNIFICATION OF MUNICIPALITY.**

All costs and expenses incident to the installation and connection of the Building Sewer shall be borne by the owner. The owner shall indemnify and hold the Municipality harmless for any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer (including costs associated with administrative and legal fees), including control of erosion from the site of the work.

**II-6 EXISTING BUILDING SEWERS USED WITH NEW BUILDING.**

Existing Building Sewers may be used in connection with new buildings only when they are found, on examination and testing by a Licensed Contractor, to meet all requirements of the Specifications and this Ordinance.

**II-7 CONFORMANCE WITH BUILDING AND PLUMBING REGULATIONS.**

The size, slope, alignment, materials of construction of a Building Sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the Indiana Health Code, Indiana Building Code, the Uniform Plumbing Code and all applicable standards and specifications of the Federal, State, County, and Municipality.

**II-8 BUILDING PERMIT REQUIREMENTS.**

Prior to issuance of a Sewer tap permit, a building permit will be required for the construction or remodeling of any new structure or addition. The building permit application shall include, but not be limited to, the following:

1. An accurate, scaled site plan and boundary survey showing:
  - a. Existing topographical features including potable water supply or well location and existing Sanitary Sewer facilities and landscaping.
  - b. Existing Easements.
  - c. Size and location of all proposed construction, including structures and the proposed Sewer system.
  - d. Existing street grades and proposed finished grades and structure floor grading, existing or proposed.
2. An accurate, scaled building or structure plan showing:
  - a. Floor plan showing the entire final building or structure, whether existing or proposed, with each room labeled as to its intended use.

**II-9 CONFORMANCE WITH STORM WATER POLLUTION PREVENTION PLAN.**

Any owner, contractor or Developer making a connection to the Sewage System shall prohibit the runoff or tracking of soil from the construction site and shall perform such construction in full compliance with Indiana Administrative Code Title 327 IAC 15-5 and latest amendments thereto.

**II-10 ABANDONMENT OF SEWER PRODUCING FACILITIES FOR THE ORDERLY DISCONNECTION FROM AND/OR PRIOR TO A CONNECTION TO THE MUNICIPAL SANITARY SEWER COLLECTION & TREATMENT SYSTEM.**

A. Should an User decide to abandon its sewer producing facilities to either avoid connecting to or to forfeit a Sanitary Sewer connection (both a “disconnect” or “disconnection”), then before proceeding with any disconnection work, a “Disconnect Form” shall be completed by:

- (1) collecting the signatures of all the owners of record, and
- (2) having said the signatures notarized, and

(3) returning the completed form to the District for approval.

Disconnection from the sanitary Sewer collection system would cause the structure to be uninhabitable.

- B. As a condition of the District’s approval of a disconnection, the User shall do the following:
- (1) Remove from any and all structures on the property external plumbing, including, but not limited to, toilets, sinks, showers, tubs, and faucets; and
  - (2) Disconnect, cut, and/or cap in a manner satisfactory to the District all water supply lines running from any water source to any structures on the property; and
  - (3) Disconnect, cut, and/or cap in a manner satisfactory to the District all sanitarysewer lines running from any structure on the property to the District’s line; and
  - (4) If applicable, all septic tanks seepage pits, outhouses, pit privies and similar private Sewage disposal facilities shall be abandoned and filled in a safe and sanitary manner in accordance with all applicable state and local laws, rules, regulations and ordinances; and
  - (5) Pay all monthly charges due on or before the date of disconnection; and
  - (6) Pay all costs related to, associated with, or arising from the disconnection of the User and property owner from the District’s works. Said costs shall include, but not be limited to, those costs related to, associated with, or arising from removal of any grinder pump, pump chamber, and/or other equipment owned by the District and located on said property; closing, capping, or terminating any lateral or other sewer line from the property to the District’s collection line in a manner and at a point acceptable to the District; reconnecting to the District’s works the property of any other user that was connected to the removed grinder pump, pump chamber, or related equipment; inspections of said work performed by or on behalf of the District; any out of pocket costs expended by the District in providing the User or property owner with service that were specifically for the benefit of said User or property owner; any damage caused during the removal process; and administrative costs;
  - (7) Perform or cause to be performed all work related to, associated with, or arising from disconnection of the the User and the owner’s property from the District’s work in a manner acceptable to and approved by the District.
- C. Once all the above conditions are met in a manner satisfactory to the District, monthly charges will cease.
- D. Any subsequent connection—whether a reconnection or first-time connection for the property—such future connection will be treated as a new connection. As such the User and or property owner shall pay any and all costs related to, associated with, or arising from connecting the property to the District’s works, including, but not limited to, purchase of a grinder pump, pump chamber, and related equipment; construction and installation; inspections; capital and connection charges or similar charges then in effect; and administrative costs.

## SECTION III – DISCHARGE REGULATIONS

### III-1 INDUSTRIAL DISCHARGERS

All industrial dischargers proposing to connect to or discharge Sewage, Industrial Waste or other waste to the SLRWD treatment works **must lie within the incorporated limits of a City or Town or be approved by the Board of Trustees and must comply with all terms of this Ordinance.**

### III-2 COMPLIANCE PRETREATMENT REQUIREMENTS; MODIFICATIONS.

- A. *Federal Categorical Pretreatment Standards.* National Categorical Pretreatment Standards as promulgated by the Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories, as well as all other Pretreatment Requirements.
- B. *State requirements.* State requirements and limitations on discharges apply in any case where they are more stringent than federal requirements or those contained herein.

### III-3 PROHIBITED DISCHARGES.

Except as hereinafter provided, no person shall discharge or cause to be discharged to any Sewerage System any of the following described substances, wastes or waters:

- A. Any liquid or vapor having a temperature higher than 150° F.;
- B. Any waters or wastes containing more than 100 mg/l of fats, oils, greases or waxes;
- C. Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid, or gas;
- D. Any noxious or malodorous gas or substance which, either alone 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;
- E. Any Garbage that has not been properly ground;
- F. Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal of any other solid or viscous substances capable of causing obstruction to the flow in Sewers or other Interference with the proper operation of the Sewerage System or the WWTP;
- G. Any waters or wastes having a pH lower than six (6) or higher than nine (9) or having any other corrosive property capable of causing damage or posing hazards to the structure, equipment or personnel of the Sewage Works;
- H. Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions;
- I. Any toxic radioactive isotopes;
- J. Any waters or wastes that for a duration of five minutes or more have a concentration more than five times the average concentration of the BOD or the Suspended Solids of the customer's Sewage discharged during a 24-hour period of normal operation;

- K. Any waters or wastes containing Suspended Solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the WWTP, its pumping stations or other facilities.
- L. Any waters or wastes containing toxic substances, as defined under Section 307(b) and (c) of the Clean Water Act in sufficient quantity to interfere with the biological process of the Sewage treatment plant; that will create a Pass-Through; or will prevent the disposal of the Sludge by the plant in accordance with 33 USC 1345;
- M. Any waters or wastes containing non-Compatible Pollutants as defined herein;
- N. A pollutant from any source of nondomestic Sewage that could Pass-Through or cause interference with the operation and performance of the Sewage Works.
- O. A pollutant that could create a fire or explosion hazard in the Sewage Works, including waste streams from a closed cup flashpoint of less than one hundred four (104) degrees Fahrenheit forty (40) degrees Celsius) using the test methods in 40 CFR 261.21.
- P. A pollutant, including an oxygen demanding pollutant (such as biochemical oxygen demand) released in a discharge at a flow rate or pollutant concentration that could cause interference in the Sewage System.
- Q. Heat in an amount that could:
  - (1) Inhibit biological activity in the Sewage System and result in interference or damage to the Sewage System; or
  - (2) Exceed One Hundred Four (104) degrees Fahrenheit (Forty (40) degrees Celsius) at the WWTP unless the Superintendent, upon request, approves alternate temperature limits.
- R. Any Petroleum, oil, nonbiodegradable cutting oil, or products of mineral oil origin in an amount that could cause interference or pass through.
- S. A trucked or hauled pollutant, except:
  - (1) with the permission of the Superintendent; and
  - (2) when introduced to the Sewage System at a discharge point designated by the Superintendent (and upon paying the proper fees).
- T. Any toxic ions, compounds or substances exceeding the amounts of concentrations as set out below, or as set out in any Pretreatment Requirement whichever is more stringent;

<i>Constituent</i>	<i>Concentration (mg/l)</i>
Ammonia	45.0
Arsenic	0.10
Barium	2.00
Cadmium	0.20



Chromium (trivalent)	2.00
Chromium (total)	3.00
Chromium (hexavalent)	1.00
Copper	2.00
Iron	5.00
Lead	0.20
Manganese	0.40
Selenium	0.02
Silver	0.20
Zinc	2.00
Mercury	0.01
Sulphide (as S)	10.00
Tin	2.00
Nickel	2.00
Cyanide	1.00
Phenol	1.00
Phosphorus	12.00

#### **III-4 RIGHT OF MUNICIPALITY TO REFUSE CONNECTION.**

The Municipality reserves the right to refuse connection to any prospective User in the event the Sewage requirements of the User, in the judgment of the Board of Trustees, could impose an excessive burden on the Sewage System. The Municipality further reserves the right, in the event of an emergency, to restrict the allowable discharge received from any or all large system Users during the time of emergency.

#### **III-5 DILUTION PROHIBITED.**

No discharge is allowed to increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with applicable standards.

#### **III-6 ACCIDENTAL DISCHARGES.**

- A. Each discharger must provide protection from accidental discharge of prohibited or regulated materials or substances. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the discharger's expense. Detailed plans showing facilities and operating procedures to provide the protection must be submitted to the SLRWD for review and be approved by the SLRWD before construction of the facility. Review and approval of plans and operating procedures by the SLRWD will not relieve the

discharger from the responsibility to modify its facility as necessary to meet applicable requirements.

Dischargers must notify the SLRWD immediately when a Slug load or accidental discharge occurs. The notification must include location of the discharge, date and time of occurrence, type of waste, concentration and volume and corrective actions. A User shall notify the Superintendent upon accidentally discharging chemicals, corrosive substances or anything harmful to the Sewerage System or treatment process, or wastewater in violation of this Ordinance, to enable countermeasures to be taken by the to minimize damage to the Sewerage System, treatment process and the receiving stream.

- B. Any industrial user who discharges a Slug load of prohibited materials will be liable for any expense, including loss or damage to the SLRWD treatment works, in addition to the amount of any fines imposed on the authority under state or federal law.
- C. Notification will not relieve Users of liability for any expense, loss or damage to the Sewerage System, WWTP or treatment process, or any fines or penalties imposed by the Board of Trustees, which expense, loss or damage shall be paid for by the User.
- D. This notification shall be followed within 7 days of the date of occurrence by a detailed written report, signed by the User, describing the causes of the accidental discharge and measures being taken to prevent similar occurrences.
- E. Signs must be permanently posted in conspicuous places on the discharger's premises, advising employees whom to call in the event of accidental discharge. Employers must instruct all employees who may cause or discover such a discharge as to emergency notification procedures.

### **III-7 RESPONSIBILITY FOR OBSTRUCTING OR DAMAGING SEWERS.**

If a Public Sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the Municipality in cleaning out, repairing or rebuilding the Sewer.

### **III-8 SPECIAL AGREEMENTS.**

No statement contained in this Ordinance shall be construed as prohibiting any special agreement or arrangement between the Municipality and any person whereby an Industrial Waste of unusual strength or character may be accepted by the Municipality for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Works by reason of the admission of such wastes and no extra costs are incurred by the Municipality without compensation by the person.

### III-9 EXCLUSION OF CERTAIN WASTES; PRIOR APPROVAL FOR CERTAIN WASTES.

- A. *Exclusion of certain wastes.* Provision is made for the exclusion of certain Industrial Waste by the Board of Trustees.
- (1) For all Industrial Waste;
  - (2) For certain Industrial Waste which because of their constituents (toxicity, acidity and the like) impair the functioning of the WWTP; and
  - (3) For temporary exclusion of all or certain Industrial Waste when conditions are such that NPDES Permit restrictions cannot be met.
- B. *Prior approval for certain wastes.* Review and acceptance by the Superintendent shall be obtained prior to the discharge into the Public Sewers by any person of Sewage wastes that have:
- (1) A BOD greater than 200 mg/l;
  - (2) A Suspended Solids content greater than 250 mg/l; or
  - (3) Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of the Sewage works, the Sewerage System or to health, whether by themselves or through interactions with other wastes in the Public Sewers.

### III-10 PRETREATMENT FACILITIES.

- A. *Pretreatment and modification.* When, after making such a review, the Superintendent concludes that, before the person discharges his or her wastes into the Public Sewers, he or she must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Works, Sewerage System or injurious to health, then the person shall either modify his or her wastes at the point of origin or shall provide and operate at his or her own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his or her wastes acceptable for admission to the Public Sewers.
- B. *Prior approval of pretreatment facilities.* Plans, specifications and other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to Indiana Department of Environmental Management (IDEM) Office of Water Quality and the Municipality for examination and approval; and no construction of such facilities shall begin until the Municipality, through its Board of Trustees, has given its written approval for filing such plans with IDEM for a construction permit. The approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities which such adaptations of such facilities when such adaptations prove necessary to secure the results desired.
- C. *Operation of pretreatment facilities.* Where the preliminary treatment facilities are provided, they shall obtain an industrial wastewater pretreatment permit from IDEM and maintain continuously in satisfactory and effective operating condition by the person at his or her own expense and shall be subject to periodic inspection by IDEM and the Municipality. The person shall maintain suitable operating records and shall

submit to the Superintendent such monthly summary reports of the character of the Influent and Effluent as the latter may prescribe.

- D. *Restrictions on discharge.* Whenever deemed necessary, the Superintendent may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific Sewers, relocate and/or consolidate points of discharge, separate Sewage from wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the Sewerage System and determine the User's compliance with the requirements of this Ordinance.
- E. *Storage and flow-control Facility.* The Superintendent may require any person discharging into the Sewerage System to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization.
- F. *Increased discharges.* The District shall have the authority to accept or deny any new or increased discharges from any indirect discharger into the District Sewerage System
- G. *Emergency Suspension.* The Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the District sewerage system, or which presents, or may present, an endangerment to the environment.
1. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the Sewer connection, to prevent or minimize damage to the District Sewerage System, its receiving stream, or endangerment to any individuals. The Superintendent may allow the User to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings under the Termination of Discharge section of this Ordinance are initiated against the User.
  2. A User that is responsible in whole or in part for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under the Show Cause Hearing or Termination of Discharge Sections.

Nothing in this Ordinance shall be interpreted as requiring a hearing prior to any Emergency Suspension under this section.

*H. Pretreatment of wastewater.*

- (1) Users must provide necessary wastewater treatment as required to comply with this Ordinance and Pretreatment Requirements, “Local Limits”, and any other required compliance standards set forth in this Ordinance within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Municipality and other agencies must be provided, operated and maintained at the User’s expense.
- (2) All plans and operating procedures must be submitted to the Municipality and IDEM before construction of the facility. This requirement also applies to state regulations in which plans must be approved by IDEM Office of Water Quality and the Plan Review Section of IDEM.
- (3) The review of such plans and operation procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the District under the provisions of this Ordinance.

**III-11 GREASE AND SAND TRAPS.**

- A. Whenever the Superintendent determines that interceptors or traps are needed to protect the Sewerage System or the operations of the WWTP from grease, oil, sand or similar substances occurring in a customer’s Sewage, then such traps shall be installed by the User on his or her own lines at his or her own expense and shall be so maintained by him or her so that none of the substances can be carried over into the Public Sewers. All traps shall be subject to the Municipality’s approval as to construction, location and installation.
- B. Grease Traps shall be maintained to meet concentration limits set forth in the Ordinance. Records for this maintenance must be kept and be available upon request of the Superintendent, or his representative, upon inspection.
- C. Users with the potential to discharge flammable substance may be required to install and maintain an approved combustible gas detection meter

**III-12 SUBMISSION OF DATA ON INDUSTRIAL WASTE.**

- A. Any User who discharges Industrial Wastes into the Municipality’s Sewerage System, either directly or indirectly, shall, upon the written request of the Board of Trustees, fill out and file within the Municipality within 90 days an Industrial Waste questionnaire to be furnished by the Municipality, in which he or she shall set out the quantity and characteristics of the wastes discharged into the Municipality’s Sewerage System. Similarly, any person desiring to establish a new connection to a Public Sewer for the purpose of discharging Industrial Waste shall be required to fill out and file such a questionnaire which shall include actual or predicted data relating

to the quantity and characteristics of the wastes to be discharged. In addition, if any residential User is suspected to be discharging Industrial Waste type discharge he or she may be subject to the foregoing at the SLRWD's reasonable discretion.

- B. When special circumstances such as the size or complexity of a User's sewerage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person or entity, an extension of time, not to exceed 90 days, may be granted by the Board of Trustees upon presentation of a proper application.

### **III-13 CONTROL MANHOLES.**

- A. Any User discharging Industrial Waste into a Public Sewer, either directly or indirectly, may be required by the Board of Trustees, upon recommendation of the Superintendent, to construct and maintain at its, his or her own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his or her wastes. Such manholes shall be constructed in accordance with the Specifications. The Board of Trustees may also require the person to install and maintain in any such manhole at the person's expense an approved volume-measuring device, sampling device or special monitoring equipment.
- B. Plans for the installation of control manholes and related equipment must be approved by the Board of Trustees, upon recommendation of the Municipality's Superintendent and the Municipality's Engineer, before construction is begun.

### **III-14 WASTE SAMPLING; STANDARD METHODS.**

- A. *Waste sampling.*
  - (1) Any Industrial Waste discharged into the Public Sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary (but at least twice a year) and may include the use of suitable continuously-monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Sampling period shall be determined by the Superintendent. Every care shall be exercised in collecting the samples to insure their preservation until analyzed in a state comparable to that at the time the samples were collected.
  - (2) The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Trustees. Access to the sampling facilities shall be granted at all times to the Municipality's Superintendent or his or her duly authorized representative.
- B. *Waste analyses.* Laboratory procedures used in the examination of Industrial Waste shall be those set forth in *40 CFR 136*. However, alternative methods for certain analyses of Industrial Waste may be used subject to agreement between the Superintendent and the User. The Municipality may make the initial analysis and

any regular periodic-check analysis of the User’s waste, as well as other tests the Superintendent may deem advisable, and the cost of any analysis made by the Municipality shall be charged to the customer according to the standard work order billing practices. All such analyses shall be binding and conclusive in determining strength of water surcharges and other matters which are dependent upon the character and concentration of wastes.

- C. *Use of representative analyses.* Until an adequate analysis of a representative sample of User’s wastes has been obtained, the Municipality shall, for the purpose of this Ordinance, make determination of the character and concentration of the User’s wastes by using data based on analyses of similar processes or data for his or her type of business that are available from the U.S. Environmental Protection Agency or from industry-recognized authoritative sources. This method, if selected by the Municipality, shall continue until an adequate analysis has been made.

### **III-15 MODIFICATIONS; TIME SCHEDULE FOR COMPLIANCE.**

The Municipality reserves the right to amend this Section and its terms and conditions in order to assure compliance with applicable laws and regulations. Within nine months of the promulgation of a *National Categorical Pretreatment Standard*, the Section must be amended to require compliance by discharges with the standards within the time frame prescribed by the standards. All *National Categorical Pretreatment Standards* promulgated after adoption of the Ordinance codified in this Section must be adopted by the authority as part of the Ordinance. Where a discharger, subject to a *National Categorical Pretreatment Standard*, has not previously submitted a disclosure form the discharger must file a disclosure form with the Municipality within 180 days after the promulgation of the applicable *National Categorical Pretreatment Standard* by the EPA. In addition, any discharger operating on the basis of a previous filing of a disclosure statement must submit to the authority, within 180 days after the promulgation of an applicable *National Categorical Pretreatment Standard*, the additional information required. The discharger must be informed of any proposed changes in this Section at least 30 days prior to the effective date of the change. Any changes or new conditions in the Ordinance must include a reasonable time schedule for compliance.

### **III-16 REVOCATION OF TREATMENT SERVICES.**

- A. **TERMINATION OF SERVICES.** The Municipality may seek to terminate the wastewater treatment services to any discharger which:
1. Fails to factually report the Wastewater Constituents and Characteristics of its discharge;
  2. Fails to report significant changes in Wastewater Constituents or Characteristics;
  3. Violates the Pretreatment Requirements or admissibility requirements of this Ordinance;
  4. For a non-residential, refuses reasonable access to the discharger’s premises by representatives of the Municipality for the purpose of inspection or monitoring or

for any other User, who refuses reasonable access to their property by representatives of the Municipality for the purpose of inspection or monitoring; in addition, the right to terminate shall extend to a refusal of access to the discharger's dwelling structures if there is evidence that the discharger is discharging in violation with the terms herein; or

5. Violates the conditions of this Ordinance or any final judicial order entered with respect to provisions herein.

## **B. NOTIFICATION OF VIOLATION**

When the Superintendent finds that a User has violated, or continues to violate, any provision of this Ordinance or order issued hereunder, or any other Pretreatment Requirement or admissibility requirements, the Superintendent may serve upon that User a written notice of violation. Within fifteen (15) days of the receipt of such notice, and explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Superintendent. Submission of such a plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent or the District to take any action including emergency actions of any other enforcement action, without first issuing a notice of violation.

## **C. Consent Orders**

The Superintendent, upon approval of the Board of Trustees, may enter into consent orders assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the Compliance Orders and Cease and Desist Orders set forth in this Ordinance and shall be judicially enforceable.

## **D. Show Cause Hearing**

The Superintendent may order a User which has violated, or continues to violate any provision of this Ordinance or order issued hereunder, or any other Pretreatment Requirement or admissibility requirements, to appear before the Superintendent or Board of Trustees and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting. The proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representatives or the User as defined in this Ordinance. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.



### **E. Compliance Orders**

When the Superintendent finds that a User has violated, or continues to violate any provision of this Ordinance or an order issued hereunder, or any other Pretreatment Requirement or admissibility requirements, the Superintendent may issue an order to the User responsible for the discharge directing that the user come into compliance within a specified time. If the User does not come into compliance within the time provided, Sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the Sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Requirement of admissibility requirements, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

### **F. Cease and Desist Orders**

When the Superintendent finds that a User has violated, or continues to violate, any provisions of this Ordinance or any other issued hereunder, or any other Pretreatment Requirements of admissibility requirements, or that the User past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements; and
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a mare against, or prerequisite for, taking any other action against the User.

### **III-17 REPORTS.**

- A. *Compliance schedule.* Any non-categorical User which is not in compliance with the Municipality's limitations must develop a compliance schedule during which time the User must meet the Municipality'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 Municipality's Pretreatment Requirements. All Users subject to these conditions must submit a progress report to the Municipality 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 reason for the delay if the date was

not met, and the steps being taken to return to compliance. In no event can more than six (6) months elapse between progress reports.

- B. *Compliance schedule reports (categorical Users).* These reporting conditions apply to the compliance schedule required in 40 CFR 403.12(b)(7). This schedule is necessary whenever a User is not meeting categorical Pretreatment Requirements at the time of promulgation of that standard. The schedule contains increments of progress (hiring an engineer, completing plans, commencing construction, completing construction and the like) which correspond to specific dates for their completion. These represent major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable categorical Pretreatment Requirements. *Monthly reports.* This requirement calls for the submission of all notices and self-monitoring reports from Users that are necessary to assess and assure compliance by Users with applicable Pretreatment Requirements. These reports will normally be required on a monthly basis.
- C. *Baseline report.*
- (1) Within 180 days after the effective date of a categorical Pretreatment Requirement, or 180 days after the final administrative decision made on a category, whichever is later, existing Users subject to such Pretreatment Requirements and currently discharging to or scheduled to discharge to the SLRWD treatment works will be required to submit to the Municipality or other Control Authority a report containing the information listed in 40 CFR 403.12(b)(1)-(7).
  - (2) Upon promulgation of a categorical Pretreatment Requirement, the Control Authority (either EPA or IDEM) will provide the appropriate 12(b) for distribution to the Users who are affected by the promulgated standard. The Users are then required to submit the completed report to the Control Authority.
- D. *Compliance date report.*
- (1) Within 90 days following the date for final compliance with an applicable Pretreatment Requirement, any User subject to those standards must submit to the Control Authority a report indicating the nature and concentration of all pollutants in the discharge generated from the regulated process which are limited by Pretreatment Requirements.
  - (2) The report must also state whether applicable standards are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the discharge into compliance. This statement should be signed by an authorized representative of the industrial user.
- E. *Periodic reports on continued compliance.* Any discharge subject to an applicable Pretreatment Requirement must submit to the Control Authority during the months of June and December, or more frequently if required by the Control Authority, following the final compliance date of that Pretreatment Requirement, a report indicating the nature and concentration of prohibited or regulated substances in the discharge which are limited by the categorical Pretreatment Requirements. In addition, this report must include a record of all measured or estimated average and

maximum daily flows during the reporting period. Flows are to be reported on the basis of actual measurement, except, where cost or feasibility considerations justify, the Control Authority may accept reports of average and maximum flows estimated by verifiable techniques. The Control Authority, considering such factors may authorize submission of the reports on months other than those specified herein.

### **III-18 INSPECTION AND SAMPLING.**

The Control Authority may inspect the monitoring facilities of any discharger to determine compliance with the requirements of this Ordinance. The discharger must allow the Control Authority or its representatives, upon presentation of credentials of identification, to enter his or her premises at all reasonable hours for the purposes of inspection, sampling or records examination. The Control Authority has the right to set up on the discharger's property any equipment that is necessary to conduct sampling, inspection, compliance, monitoring and/or metering operations. The Control Authority need not give notice to the industry of an unscheduled inspection.

### **III-19 RECORD RETENTION.**

All dischargers subject to local, state or federal regulations must retain and preserve for at least three (3) years any records, books, documents, memoranda, reports, correspondence and any and all summaries relating to monitoring, sampling and chemical analyses made by or on behalf of a discharger in connection with its discharge. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Municipality or other authority must be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation concerning any appeals have expired.

### **III-20 CONFIDENTIAL INFORMATION.**

- A. Information and data furnished to the Control Authority with respect to the nature and frequency of discharge will be made 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 Control Authority that the release of such information would divulge information, 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 will not be made available for inspection by the public but will only be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System permit and/or the pretreatment programs; provided, however, that such portions of a report will be available for use by any state agency in judicial review or enforcement proceedings involving the discharger furnishing the report. Wastewater Constituents and Characteristics will not be recognized as confidential information.

C. Information accepted by the Control Authority as confidential will not be transmitted to any governmental agency or to the general public by the Control Authority unless a 10 day notification is given to the discharger.

## **SECTION IV – ADMINISTRATION AND ENFORCEMENT**

### **IV-1 BYLAWS, RULES AND REGULATIONS; AMENDMENT OF PROVISIONS.**

- A. *Bylaws, rules and regulations.* The Board of Trustees of the SLRWD shall, in accordance with the state statutes, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the Municipal's Sewage Works, for the construction and use of Building Sewers and connections to the Sewerage System and, in general, for the implementation of the provisions of this Ordinance.
- B. *Amendment.* The Municipality reserves the right to amend this Ordinance, in part or in whole, as provided and permitted by the state statutes, whenever it may deem necessary.

### **IV-2 SUSPENSION OF SERVICE.**

The Municipality may suspend the wastewater treatment service and/or wastewater permit of a discharger if it appears to the authority that an actual or threatened discharge presents an imminent danger to the welfare of persons, to the environment, to the operation of the POTW or violates any pretreatment limits or any wastewater permit. Any discharger notified of the suspension of wastewater treatment service and/or any discharger's wastewater permit must, within a reasonable period of time as determined by the Board of Trustees, cease all discharges. If the discharger fails to comply voluntarily with the suspension order within the specified time, the Board of Trustees must immediately commence judicial proceedings unless the discharger can prove the elimination of the noncomplying discharge of conditions as outlined in this Section.

### **IV-3 REVOCATION OF PERMIT.**

The Board of Trustees may revoke the permit of any discharger failing to:

- A. Factually report the Wastewater Constituents and Characteristics of its discharge;
- B. Report significant changes in Wastewater Constituents or Characteristics;
- C. Refuses reasonable access to his or her premises by representatives of the SLRWD for the purpose of inspection or monitoring; or
- D. Violates the conditions of his permit, this Ordinance or any final judicial order.

### **IV-4 SHOW CAUSE HEARING.**

Where a violation of this Ordinance or of applicable pretreatment regulations occurs and is not corrected by timely compliance, the proposed permit revocation action should not be taken until the following procedure is initiated. A written notice must be served on the discharger by personal service, certified or registered mail, specifying the time and place of a hearing to be held by the SLRWD. The hearing will consider the violation, the

proposed enforcement action, reasons why the enforcement action is to be taken and directing the discharger to show cause before the Board of Trustees as to why the proposed enforcement action should not be taken. The notice of the hearing must be served no less than ten days before the hearing. Service may be made on any agent, officer or authorized representative of a discharger. The proceedings at the hearing will be considered by the Board of Trustees and appropriate orders with respect to the alleged improper activities of the discharger will be issued.

#### **IV-5 LEGAL ACTION.**

If any person discharges Sewage, Industrial Waste or other wastes into the SLRWD wastewater disposal system contrary to this Ordinance, federal or state pretreatment requirements, or any order of the Board of Trustees, the Municipality's Attorney may commence an action for appropriate legal and/or equitable relief in the circuit court of Steuben County.

#### **Judicial Enforcement remedies**

##### **A. Injunctive Relief**

When the Superintendent finds that a User has violated, or continues to violate, any provision of this Ordinance or an order issued hereunder, or any other Pretreatment Requirement or admissibility requirements, the Superintendent may petition any Steuben County Court or another court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the provisions of this Ordinance or order issued hereunder on activities of the User. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

##### **B. Civil Penalties**

1. A User who has violated or continues to violate any provision of this Ordinance or order issued hereunder, or any other Pretreatment Requirement of admissibility requirements shall be liable to the District for a maximum civil penalty of \$2,500.00 per violation, per day, except that if the violation is for a failure to connect to the Public Sewer (in accordance with Section I-4. D. and I-5. E of this Ordinance or as otherwise required by law) then the penalty shall not exceed \$100.00 per day. In the case of a monthly or other long-term average exceeding discharge limits, penalties shall accrue for each day during the period of violation.
2. The District may recover reasonable attorneys' fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.
3. In determining the amount of civil penalty, the Court may take into account all relevant circumstances, including but limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained

though the User’s violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
5. Notwithstanding any other penalty or remedy provided for under this Ordinance or any other ordinance of the District, and subject to the following subsections IV-5 B.5. (i) thru (iv), the District shall refuse and disconnect the services of the District’s Sewage Works, or any other service of the District, for any User if:
  - (i.) The rates or other charges are not paid as required under this Ordinance, the Sewer Rate Ordinance (as identified below) or any other Ordinance or resolution of the District; and:
  - (ii.) The owner and/or User has failed to pay the rates or other charges as required under this Ordinance, the Sewer Rate Ordinance or any other Ordinance or resolution of the District; and:
    1. The owner and/or User’s delinquency and failure to pay has persisted for a period of six (6) months; and
    2. The District shall have given, after the expiration of the sixth (6<sup>th</sup>) month, the owner of the property thirty (30) days written notice of the District’s intent to disconnect the User for the delinquency and failure to pay.
  - (iii.) The owner of the disconnected property (whether or not the owner is also the User) shall be billed and shall pay for the expenses incurred by the District in disconnecting the User from the services of the District’s Sewage Works, or any other service of the District, which shall be Two Hundred Fifty Dollars (\$250.00).
  - (iv.) Following a disconnection for such delinquency and failure to pay, before the sewage producing structure is reconnected, the owner of the disconnected property (whether or not the owner is also the User) shall be billed and shall pay for the expenses incurred by the District in reconnecting the User to the services of the District’s Sewage Works, or any other service of the District, which shall be Two Hundred Fifty Dollars (\$250.00).
  - (v.) Notwithstanding the foregoing, an owner and/or user disconnected in accordance with this Section IV-5 (B) shall remain obligated to pay all rates and rates and charges in accordance with the Rate Ordinance.

## **Remedies nonexclusive and non-exhaustive**

The remedies provided for in this Ordinance are neither exclusive nor exhaustive. The Superintendent and the may take any and, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan. However, the Superintendent may take other action against any User when the circumstances warrant. Further the Superintendent is empowered to take more than one enforcement action against any noncompliant User. In addition to the remedies set forth herein, the District reserves the right to take all other legal action, including filing a lawsuit, against a User, any other person, or entity in violation of this Ordinance. Such legal action shall include, but is not limited to, a cause of action to recover for damages to the Sewerage System or the WWTP caused by a User's violation of this Ordinance and attorney's fees associated therewith.

### **IV-6 DISCHARGER'S RIGHT TO APPEAL.**

Any discharger or any interested party has the right to request in writing an interpretation or ruling by the Board of Trustees on any matter covered by this Ordinance and is entitled to a prompt written reply. In the event that such an inquiry is by the affected discharger and deals with matters of compliance with the Ordinance or deals with a wastewater permit, receipt of the discharger's request will delay all enforcement proceedings until he receives the written reply.

#### **A. ADMINISTRATIVE APPEALS**

1. Any User affected in 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 of Trustees adopted pursuant hereto, may file with the Board of Trustees written requests for review and reconsideration within ten (10) days of a decision, action or determination, setting forth in detail the facts supporting the User's request for reconsideration.
2. The appeal shall, if reasonably possible, be heard by the Board of Trustees within thirty days from the date of filing. The Superintendent's decision, action or determination shall remain in effect during a period of reconsideration unless the Board of Trustees otherwise determines.

### **IV-7 UPSETS.**

- A. Any discharger that experiences an Upset in operations which places the discharger in a temporary state of noncompliance with this Ordinance or a wastewater permit must inform the SLRWD's Superintendent within 24 hours of the Upset occurrence. When such information is given orally, a written report must be sent to the SLRWD within five days. The report must specify:
  - (1) The description of the Upset, the cause and the Upset's impact on the discharger's compliance status;
  - (2) The duration of noncompliance, including times and dates of noncompliance; and

- (3) The steps taken or to be taken to reduce, eliminate and prevent recurrence of such an Upset.
- B. A documented and verified operating Upset can be an affirmative defense to any enforcement action brought by the authority against a discharger for noncompliance if the requirements of 40 CFR 403.16(c) are met.

#### **IV-8 DUTIES AND AUTHORITY OF ENFORCEMENT OFFICIALS.**

The provisions of this Ordinance shall be enforced by the Board of Trustees or the Superintendent when so directed by the Board of Trustees for such purpose. Whenever the Board of Trustees and/or Superintendent shall deem it appropriate to charge a person with a violation of this Ordinance, he or she shall issue to such person a notice of violation which shall be processed according to the provisions of I.C. 36-1-6-1 through 36-1-6-4. The Board of Trustees and/or Superintendent shall cause to be prepared, in duplicate, suitable serially-numbered forms of such notices of violation and shall issue a supply of them, taking their receipts therefore; provided only that such notice of violation forms shall not be printed until it has been approved by the Municipality's Attorney or his or her authorized associate. The Superintendent shall make a written accounting to the Board of Trustees of his or her disposition of the notice of violation forms issued by him or her. The Superintendent shall each month make a written report to the Board of Trustees, with copies to the Municipality's Attorney, of the disposal made of the notice of violation forms issued by them. These reports shall be public records.

#### **IV-9 VIOLATIONS.**

- A. Any person found to be violating or failing to comply with any of the provisions of this Ordinance shall be served by the SLRWD with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- B. Any person violating any of the provisions of this Ordinance set out above and convicted thereof shall become liable to the SLRWD for any expense, loss or damage occasioned by reason of such violation.
- C. Any violation of this Ordinance is declared to be a public nuisance.
- D. Any person who violated any provisions of this Ordinance which, in the judgment of the Board of Trustees, requires the services of a commercial laboratory shall be liable for all costs of such service.

#### **IV-10 PENALTY.**

- A. Any User violating any provision of this Ordinance shall also be subject to any rates, charges and penalties of this Ordinance or as may be set out in the then current version of the SLRWD's "Sewer Rate Ordinance" plus any expenses, attorney fees, costs, loss and damage that may have occurred to the SLRWD by reason of such violation or infraction.



- B. In addition, any User continuing any violation or infraction of this Ordinance beyond the time limit set out in the Notice of Violation as provided for in Section IV-9(A) shall be guilty of an infraction and upon conviction, or in accordance with Section IV-10 C. below, shall be subject to a penalty of \$100.00 per day for failure to connect to the SLRWD Public Sewer and up to \$2500.00 per day for all other violations or infractions of this Ordinance.
- C. Finally, any User violating any provision of this Ordinance shall be subject to administrative fines. An administrative fine is a punitive monetary charge assessed by the SLRWD rather than a court, for a User who is found to have violated any provision of this Ordinance, or permits and orders. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. The purpose of the fine is to recover the economic benefit of noncompliance and to deter future violations. Said fines shall be levied in accordance with the amounts set forth in this Ordinance, the Sewer Rate Ordinance and orders. When assessing an administrative fine the following factors are considered:
- (1) Type and severity of the violation;
  - (2) Number of violations cited;
  - (3) Duration of noncompliance;
  - (4) Impact of the violation on the receiving water, sludge quality, and Sewage Works operation;
  - (5) Whether the violation threatened public health;
  - (6) The economic benefit or savings the industrial user gained from the noncompliance;
  - (7) Compliance history of an Industrial User; and
  - (8) Whether an Industrial User is making a good faith effort to comply.

#### **IV-11 RIGHT OF ENTRY.**

- A. Upon presentation of proper credentials and identification, the Superintendent, Inspector and other duly authorized employees of the SLRWD (or other contractors hired by the SLRWD) shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other activities beyond that point having a direct bearing on the kind and source of discharge to the Sewerage System, waterways or facilities for waste treatment.
- B. While performing any necessary work on private properties, the Superintendent or duly authorized employees of the SLRWD shall observe all reasonable safety rules applicable to the premises as established by the property owner. The property owner shall be held harmless for injury or death to the SLRWD employees (except for property owner's, or its employee's or agents, intentional acts or negligence) and the SLRWD shall indemnify the property owner against loss or damage to its property

by SLRWD employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the inspection, gauging and sampling operation, except as such may be caused by negligence or failure of either party to maintain safe working conditions.

- C. The Superintendent and other duly authorized employees of the SLRWD shall be permitted to enter all private properties through which the SLRWD holds a duly negotiated Easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Sewage Works lying within said Easement. All entry and subsequent work, if any, on said Easement, shall be done in full accordance with the terms of the duly negotiated Easement pertaining to the private property involved.
- D. If any party encroaches upon any Easement granted to the District by any person or entity, User or otherwise, the District shall be afforded all remedies available at law and in equity, including but not limited to the right to require the removal of any such encroachment.

#### **IV-12 CONFLICT.**

No part of this Ordinance shall be interpreted to conflict with federal, state, or local laws, and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Ordinance as a whole, or any portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

#### **IV-13 AMENDMENT.**

The express or implied repeal or amendment by this Ordinance of any other Ordinance or part of any other Ordinance does not affect any rights of liabilities accrued penalties incurred, or procedures begun prior to the effective date of this Ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended Ordinance as if this Ordinance had not been adopted.

#### **IV-14 IMPLEMENTATION.**

- A. Ordinance 85-2, 95-1, 2013-02, 2014-01 2015-05, 2018-02, 2018-10, 2019-1,2019-5 and 2020-04 are hereby repealed and replaced in their entirety. Ordinance 95-2 shall remain in full force and effect except for structures with connections to a conventional Public WWTP.
- B. This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

*[Reminder of page intentionally left blank; Signatures on following page]*

Passed and Adopted by the Steuben Lakes Regional Waste District, Steuben County, Indiana through its Board of Trustees, this 29<sup>th</sup> day of November, 2023.

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Rob Moreland, Member/President



Abigail Van Vlerah, Member/Vice President



Kelly Johnson, Member



Michael Miller, Member

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Renee Clauss, Member



Jonathan Flaugh, Member



Craig Rice, Member/Treasurer-Secretary