

ORDINANCE NO.761

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Town of Yorktown, Indiana, and providing penalties for violations thereof.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF YORKTOWN, INDIANA,

Section 1. Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

- (a) "Sewage works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- (b) "Superintendent" shall mean the Superintendent of the municipal sewage works of the Town of Yorktown, Indiana, or his authorized deputy, agent or representative.
- (c) "Inspector" shall mean the person or persons duly authorized by the town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.
- (d) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences commercial buildings, industrial plants and institutions, (including polluted cooling water). The three most common types of sewage are:

Sanitary sewage shall mean a combination of liquid and water-carried wastes discharged from toilet and other sanitary plumbing facilities.

Industrial sewage shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).

Combined sewage shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

- (e) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (f) "Public sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

Collector sewer shall mean a sewer whose primary purpose is to collect wastewaters from individual point source discharges.

Interceptor sewer shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.

Force main shall mean a pipe in which wastewater is carried under pressure.

Pumping station shall mean a station positioned in the public sewer system at which wastewater is pumped to a higher level.

- (g) "Private sewer" shall mean a sewer which is not owned by a public authority.
- (h) "Sanitary sewer" shall mean a sewer which carried sanitary and industrial wastes, and to which storm, surface, and ground water are not intentionally admitted.
- (i) "Storm sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- (j) "Combined sewer" shall mean a sewer intended to receive both wastewater and storm or surface water.
- (k) "Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

Building drain – sanitary – A building drain which conveys sanitary or industrial sewage only.

Building drain – storm – A building drain which conveys storm water or other clear water drainage, but no wastewater.

- (l) "Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal. (Also called house connection.)

Building sewer-sanitary – A building sewer which conveys sanitary or industrial sewage only.

Building sewer-storm – A building sewer which conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

- (m) "Normal domestic sewage" shall have the same meaning as defined in the Sewage Rate Ordinance.
- (n) "Industrial wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.
- (o) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

- (p) "Properly shredded garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (q) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. (Infiltration does not include and is distinguished from inflow).
- (r) "Inflow" shall mean the water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to: roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from infiltration).
- (s) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (t) "Biochemical oxygen demand" (BOD) shall mean the quantity oxygen expressed in mg/l, utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C.
- (u) "Suspended solids" shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids and which are removable by laboratory filtering.
- (v) "Total solids" shall mean the sum of suspended and dissolved solids.
- (w) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- (x) "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.
- (y) "Floatable oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.
- (z) "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.
- (aa) "Toxic amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307 (a) of PL 92-500.

- (bb) "Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 10 minutes more than 3 times the average 24 hours concentration or flows during normal operation and shall adversely affect the collection system.
- (cc) "Unpolluted water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (dd) "Compatible pollutant" shall mean biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
  - (a) Chemical oxygen demand,
  - (b) Total organic carbon,
  - (c) Phosphorus and phosphorus compounds,
  - (d) Nitrogen and nitrogen compounds, and
  - (e) Fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment words.)
- (ee) "Incompatible pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.
- (ff) "Pretreatment" shall mean the treatment of industrial sewage from privately owned industrial sources prior to introduction into a public treatment works.
- (gg) "Standard methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution control Federation.
- (hh) "NPDES Permit" shall mean a permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.
- (ii) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (jj) "Natural outlet" shall mean any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

- (kk) "Person" shall mean any individual, firm, company, association, society, corporation or group discharging any wastewater to WWTW.
- (l) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (mm) "Significant Industrial User" or "SIU" means the following:
- (1) Industrial users subject to categorical pretreatment standards under 327 IAC 5-18-10.
  - (2) An industrial user that:
    - (i) 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 POTW;
    - (ii) contributes a process wastestream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
    - (iii) is designated as a significant industrial user by the control authority on the basis that the industrial user has a reasonable potential to:
      - adversely affect the POTW's operation;
      - violate a pretreatment standard; or
      - violate a requirement of 327 IAC 5-19-3
- (nn) "Shall" is mandatory, "May" is permissive.

## Section 2.

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Town, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, or other objectionable waste.
- (b) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility if such removal is cost-effective and is in the best interest of all users of those facilities.
- (c) Storm water, surface water, ground water, roof run-off, subsurface drainage, cooling water, unpolluted or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the sewage treatment plant including capacity for BOD and suspended solids.

- (d) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- (e) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES Permit.
- (f) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (g) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the town and abutting on any street, alley, or right-of-way in which there is now located a public sanitary or combined sewer of the Town, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.

### Section 3.

- (a) Where a public sanitary or combined sewer is not available under the provision of Section 2(g) the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A permit and inspection fee in accordance with the rate schedule adopted by the Yorktown Town Council shall be paid to the Town at the time the application is filed.
- (c) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He 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. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.
- (d) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system employing sub-surface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

- (e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3(d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.
- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.
- (g) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.
- (h) When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

#### Section 4

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk Treasurer.
- (b) There shall be two (2) classes of building sewer permits:
  - (1) for residential and commercial service, and
  - (2) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. A permit and inspection fee in accordance with the rate schedule adopted by the Yorktown Town Council for residential, commercial, and industrial building sewer permits shall be paid to the Clerk Treasurer at the time the application is filed.
- (c) All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.

- (f) 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 building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.
- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
- (h) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, sump pumps, or other sources of surface run-off or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (i) The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas tight and water tight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.
- (j) The applicant for the building sewer permit shall notify the said Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the said Inspector or his representative.
- (k) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the said Town.

#### Section 5.

- (a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) A pollutant from any source of nondomestic wastewaters that could pass through or cause interference with the operation or performance of the POTW.
  - (2) Any petroleum, oil, non-biodegradable cutting oil, or products of mineral oil in origin, or other flammable or explosive liquid, solid or gas.

- (3) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, cause acute worker health and safety problems, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.
  - (4) Any waters or wastes having a pH lower than (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
  - (5) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (6) A trucked or hauled pollutant, except:
    - (i) with permission of the POTW; and
    - (ii) when introduced to the POTW at a discharge point designated by the POTW.
  - (7) A pollutant that could create a fire or explosion hazard in the POTW, including waste streams with a closed cup flashpoint of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees Celsius) using the test methods in 40 CFR 261.21
- (b) No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred four (104) degrees Fahrenheit, forty degrees (40) degrees C.
  - (2) Any liquid or vapor having a temperature that could inhibit biological activity in the POTW and result in interference or damage to the POTW.
  - (3) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which

may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit, sixty-five (65) degrees C.

- (4) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- (5) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (6) Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the superintendent for such materials.
- (7) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (8) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
- (9) Any waters or wastes having a pH in excess of 9.5.
- (10) Materials which exert or cause:
  - (i) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
  - (ii) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
  - (iii) Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (iv) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (11) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

- (c) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contained the substances or possess the characteristics enumerated in Section 5 of this article, and which in the judgment of the Superintendent may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:
- (1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.
  - (2) Reject the wastes in whole or in part for any reason deemed appropriate by the Town.
  - (3) Require pretreatment of such wastes to within the limits of normal sewage as defined.
  - (4) Require control or flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works, or
  - (5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plant and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances, and laws.

- (d) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. In addition the Town shall have the authority to impose fees, if necessary, to offset the cost incurred for administering pretreatment requirements.
- (e) When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
- (f) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this ordinance shall be determined in accordance with 40 CFR 136, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the

sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls where pH's are determined from period grab samples.)

- (g) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.
- (h) The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

Pollutant	Maximum Daily Average (mg/L)
Ammonia (NH <sub>3</sub> )	18
Cadmium	0.6
Chromium	6
Copper	6
Cyanide	1.9
Lead	6
Nickel	6
Total Oil or Grease	100
Silver	2.5
Zinc	12
Total Suspended Solids	250
BOD	200

Section 6. Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards and Local Limits within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this ordinance.

Section 7. Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities

are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the Town to determine that such facilities are being operated in conformance with applicable Federal, State and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records.

Section 8. Unpolluted water from air conditions, cooling, condensing systems or dechlorinated swimming pools, shall be discharged to a storm sewer, where it is available, or to a combined sewer approved by the Town. Where storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the State of Indiana. Where a storm sewer, combined sewer, or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.

Section 9. Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above Section. Industrial User's shall obtain and abide by all applicable permits required by the State of Indiana for the discharge of industrial cooling water.

Section 10. The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows characteristics. Such measurements, test, and analysis shall be made at the users' expense. If made by the Town an appropriate charge may be assessed to the user at the option of the Town.

Section 11. The owner of any property serviced by a building sewer carrying industrial wastes or other non-residential wastewater may be required by the Town of install a suitable structure together with such necessary meters and other appurtenances in the building to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The structures shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Agents of the Town, the State Water Pollution Control Agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for purposes of inspection, observation, measurement, sampling and testing.

Section 12. The strength of wastewaters shall be determined, for periodic establishment of charges provided for in the Rate Ordinance, from samples taken at the aforementioned structure at any period of time and of such duration and in such manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the Town.

Section 13. All measurements, tests, and analysis of the characteristics of waters and wastes to which references is made in this Ordinance shall be determined in accordance with the current version of 40 CFR Part 136 and any subsequent revisions subject to approval by the Town.

Section 14. Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight, water tight, and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Section 15. Users of the treatment works shall immediately notify the Town of any unusual flows or waters that are discharged accidentally or otherwise to the sewer system.

Section 16. All provisions of this Ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now or projected to be in effect.

Section 17. No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be subject to immediate arrest under a charge of disorderly conduct.

Section 18.

- (a) The Superintendent, Inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this ordinance. The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.
- (b) While performing the necessary work on private properties referred to in Section 18(a) above, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5(e).
- (c) The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be

done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 19. The following are the types of Enforcement Action that may be undertaken by the POTW consistent with the Town's Enforcement Response Plan:

- (a) Informal Notice - An informal notice may be either a documented phone call, written warning, or a meeting notifying the IU of minor incidences that have occurred and that need to be corrected. Repeat performance of the same incidence, or escalation of the incidence will result in escalated enforcement action.
- (b) Notice of Violation (NOV) - A NOV is the initial formal enforcement action for a violation. The certified letter notifies the IU signatory authority of the violation and requires the following:
  - 1. Immediate corrective action or steps being taken to correct the problem;
  - 2. Increased sampling of the parameter in violation within thirty (30) days;
  - 3. Written response within ten business days of receipt of NOV.
- (c) Administrative Order (AO) - An Administrative Order is notification to the IU to undertake or to cease specified activities by a specified deadline. It is the first formal response to significant noncompliance (unless factors necessitate escalated enforcement actions). It may contain compliance schedules, administrative fines, termination of service and show cause orders. In addition, it specifies the name of the parties involved, statement of the facts, the requirement to ensure compliance and the enforcement associated with any future non-compliance.
- (d) Compliance Schedule - A Compliance Schedule is a formal time and management schedule contained in an enforcement order, established for the non-compliant IU to achieve compliance. It is established for existing IUs to meet the categorical pretreatment standards or local standards. It contains increments of progress in the form of dates for the commencement and completion of major events leading to compliance. In addition, all compliance schedules shall contain the following:
  - 1. Monitoring requirements with the location for monitoring;
  - 2. How the data will be used for evaluating compliance;
  - 3. Enforcement associated with non-compliance;
  - 4. Closure date after which IU will be considered either non-compliant with the established compliance schedule, or evaluated for compliance.
- (e) Show Cause Hearing - A Show Cause Hearing is when the IU and the POTW meet to discuss the cause and effect of the violation, as well as the enforcement action the IU will be subjected to. The IU may present its case as to why the violation occurred and why further enforcement should not be applied. Corrective actions to be undertaken by the IU can also be a part of this meeting.
- (f) Termination of Service - Termination of service is the revocation of an IU's privilege to discharge non-domestic wastewater into the sewer system. Termination of service is used when the discharge from an industrial user

presents imminent endangerment to the health or welfare of persons, or the environment; or threatens to interfere with the POTW's operations; or as an escalating enforcement action to a significant violation when a noncompliant industrial user fails to respond adequately to previous enforcement actions. Termination of service may be accomplished by physical severance of the IU's connection to the collection system, issuance of an AO (cease and desist order) which compels the IU to immediately terminate its discharge, revocation of the IU's discharge permit, or a court ruling.

(g) Administrative Fines - An administrative fine is a punitive monetary charge assessed by the Town rather than a court. The purpose of the fine is to recover the economic benefit of noncompliance and to deter future violations. 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 POTW 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 the industrial user; and
8. Whether the industrial user is making a good faith effort to comply

(h) Cost Recovery - In addition to administrative fines imposed by the Superintendent, the IU shall be responsible for paying the following (but not limited to) costs incurred by the Town:

1. Cost of mileage and labor incurred in detecting and correcting an Industrial User's violation or failure to comply;
2. Laboratory analysis costs associated with detecting and correcting the violation or failure to comply;
3. Additional treatment costs caused by the violation or failure to comply, or costs associated with detecting and correcting the violation or failure to comply;
4. Costs of any additional equipment acquired or expended by Town for detecting or correcting the violation or failure to comply;
5. Repair and/or replacement of any part of the sewerage system damaged by the violation or failure to comply;
6. Any liability, damages, fines or penalties incurred by Town as a result of the violation or failure to comply;
7. Any and all expenses of outside professionals to include, but not limited to, engineers, scientists, and/or legal counsel as a result of the violation or failure to comply;
8. Fees, if necessary, to offset the costs incurred by the Town for administering the pretreatment program requirements;
9. Other costs associated with the detection and correction of the violations or failures to comply.

(i) Judicial Action - Judicial Action will be taken when it is deemed necessary to force the IU to correct the violation and comply with the permit. Judicial action may consist of civil prosecution; criminal prosecution; or an action for injunction, at the discretion

of the POTW and its counsel. As an alternative to judicial action, the POTW and IU may agree to a voluntary zero discharge of industrial waste by the IU pending correction of the violation.

- (j) Referral to EPA or the State - Where a POTW does not rely on criminal prosecution for its enforcement authority, referral to the State or EPA may be made. For violations that may warrant criminal prosecution, the POTW will refer the case to EPA or the State for further action. Circumstances that trigger EPA or State referrals include (but not limited to) evidence of willfulness, evidence of negligence, and/or bad faith shown by the Industrial User.

Violations that threaten health, property or environmental quality are considered emergencies and will receive immediate responses such as halting the discharge or terminating service.

- (k) Any person who shall continue any violation beyond the time limit provided for in Section 19(a) shall be guilty of a misdemeanor and on conviction thereof shall be fined in an amount not exceeding One Thousand Dollars (\$1,000) per day, per violation, in accordance with 40 CFR 403.8 (f)(1)(vi)(A), but no more than \$2,500 per day, per violation for a first violation nor more than \$7,500 per day, per violation for subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B).
- (l) Any person violating any of the provisions of this ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation.

Section 20. All ordinances or parts of ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

Section 21. This ordinance shall be in full force and effect from and after its passage, approval, recording, and publication as provided by law.

Section 22. The Town reserves the right to establish, by ordinance, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this ordinance.

Section 23. This ordinance shall not replace or negate any requirements as set forth by Ordinance 506, an ordinance to reduce inflow and infiltration.

Passed and adopted by the Town Council of the Town of Yorktown on the \_\_\_\_\_ day  
of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Rich Lee, President

\_\_\_\_\_  
Robert Ratchford, Vice President

\_\_\_\_\_  
Michael Burke, Member

\_\_\_\_\_  
Bryan Smith, Member

\_\_\_\_\_  
Rick Glaub, Member

\_\_\_\_\_  
Daniel Flanagan, Member

\_\_\_\_\_  
Lon Fox, Member

ATTEST:

\_\_\_\_\_  
Beth Neff, Clerk-Treasurer