

**ARTICLE 7. PRETREATMENT ORDINANCE.****Division I. General Provisions.****Sec. 9-61 Purpose and Policy.**

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Greencastle and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- a. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- b. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- c. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- d. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- e. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- f. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. No. 1996-7, § 1.1, 7-6-96)

**Sec. 9-62 Administration**

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other City personnel. (Ord. No. 1996-7, § 1.2, 7-6-96)

(

(

(

**Sec. 9-63 ABBREVIATIONS.**

The following abbreviations, when used in this ordinance, shall have the designated meanings:

- BOD<sub>5</sub> - Biochemical Oxygen Demand - Five Day
- CFR - Code of Federal Regulations
- COD<sub>5</sub> - Chemical Oxygen Demand - Five Day
- EPA - U.S. Environmental Protection Agency - Washington D.C.
- EPA Reg. V - U.S. Environmental Protection Agency, Region V - Chicago, Illinois
- FOG - Fats, Oil and Grease
- gpd - gallons per day
- I.C. - Indiana Code
- IDEM - Indiana Department of Environmental Management
- mg/l - milligrams per liter
- NPDES - National Pollutant Discharge Elimination System
- O & G - Oil and Grease
- POTW - Publicly Owned Treatment Works
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification
- TSS - Total Suspended Solids
- U.S.C. - United States Code (Ord. No. 1996-7, § 1.3, 7-6-96)

**Sec. 9-64 DEFINITIONS.** (Updated by Ord. 2014-2)

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated.

a. **ACT or "THE ACT."** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

b. **APPROVAL AUTHORITY.** The Regional Administration of U.S. EPA Region V.

c. **AUTHORIZED REPRESENTATIVE OF THE USER.**

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Board.

d. **BEST MANAGEMENT PRACTICES (BMP'S).** Schedule of activities, prohibition of practices, maintenance procedures and other management practices to prevent or reduce the introduction of "FOG" to the sewer facilities.

e. **BIOCHEMICAL OXYGEN DEMAND OR BOD<sub>5</sub>.** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).

f. **BOARD.** The City of Greencastle Board of Public Works and Safety, or any other duly authorized officials acting on its behalf.

g. **CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD.** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

h. **CHEMICAL OXYGEN DEMAND (COD).** COD of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The value of the test for Chemical Oxygen Demand, as described in the latest edition of "Standard Methods for the Examination of Water and Wastewater."

i. **COMPATIBLE POLLUTANTS.** Wastewater having or containing (1) measurable biochemical oxygen demand, (2) suspended solids, (3) pH, or (4) additional pollutants identified or defined in the National Pollutant Discharge Elimination System (NPDES) Permit for the treatment plant that was designed to treat the pollutants.

j. **CONTROL AUTHORITY.** Board of Public Works and Safety, the City of Greencastle, Indiana.

k. **COUNCIL.** The Common Council of the City of Greencastle, Indiana.

l. **CITY.** The City of Greencastle under the jurisdiction of the Common Council of the City of Greencastle.

m. **COMPOSITE SAMPLING.** Method of sampling which weights sample volume with discharge flow rate and or time weighted samples or manual composite sampling.

n. **DILUTION.** The purposeful act of adding water, other liquids and/or substances to the waste stream to dilute the true characteristics of the wastewater discharge.

o. **DIRECT DISCHARGER.** The discharge of treated or untreated wastewater directly to the waters of the state.

p. **DISCHARGER.** Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.

q. **EFFLUENT.** Any liquid outflow that discharges.

r. **ENVIRONMENTAL PROTECTION AGENCY OR EPA.** The U. S. Environmental Protection Agency or, where appropriate, the Region V Water Management Division Director, or other duly authorized official of said agency.

s. **EXISTING SOURCE.** Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

t. **FATS, OIL AND GREASE (FOG).** Any substance such as vegetable or animal products, that is used in or is a byproduct of the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change of temperature or other conditions.

u. **FLOATABLE OIL.** Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the City of Greencastle.

v. **FOOD GRINDER.** Any device installed in the plumbing or sewer system for the purpose of grinding food waste or food preparation byproducts for the purpose of disposing it in the sewer.

w. **FOOD SERVICE FACILITY.** Those establishments engaged in activities of preparing, serving, or otherwise making food available for consumption by the public, as well as private, residential or other non-commercial facilities that regularly serve twenty-five (25) people of more per day. These establishments use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting or poaching. Also included are infrared heating, searing, barbecuing and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include but are not limited to restaurants, commercial kitchens, caterers, schools, correctional facilities, care institutions, colleges, fraternities and sororities, grocery stores, food manufacturers, food processors, hospitals, hotels and motels, prisons, nursing homes and any other facility preparing, serving, or otherwise making any foodstuff available for consumption.

x. **GARBAGE.** Solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

y. **GRAB SAMPLE.** A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

z. **GREASE.** Fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other non-fatty material from animal or vegetable sources, or from hydrocarbons of petroleum origins, commonly found in wastewater from food preparations and food service. Grease may originate from, but not be limited to, discharges from scullery sinks, pot and pan sinks, dishwashing machines, soup kettles and floor drains located in areas where grease-containing materials may exist.

aa. **GREASE INTERCEPTOR.** A multi-compartment device that is constructed in different sizes and is generally required to be located, in accordance with Indiana plumbing codes, underground between a food service establishment and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next. This device must be cleaned, maintained, and have the FOG removed and disposed of in a proper manner on a regular interval to be effective.

bb. **GREASE TRAP.** A device for separating and retaining waterborne greases and grease

complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. Such traps are typically compact under-the-sink units that are near food preparation areas. This type of grease control device is used to serve individual fixtures/sinks.

cc. **HAULED OR TRUCKED POLLUTANTS.** Wastes, including Holding Tank Waste, that is trucked or hauled from any location prior to discharge to the POTW treatment plant, collection system, or by any other conveyance.

dd. **INCOMPATIBLE POLLUTANT.** Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

ee. **INDIRECT DISCHARGE OR DISCHARGE.** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

ff. **INDUSTRIAL USER.** An indirect discharger.

gg. **INFILTRATION.** The water entering a sewer system, including building drains and sewers, from the ground, through means such as, but not limited to, defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include and is distinguished from inflow.

hh. **INFILTRATION/INFLOW.** Means the total quantity of water from both infiltration and inflow without distinguishing the source.

ii. **INSPECTOR.** The person or persons duly authorized by the City of Greencastle to inspect wastewater facilities, FOG facilities, and or, the City's sewage collection system.

jj. **INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

kk. **INTERFERENCE.** A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of any requirement of the City's NPDES permit including an increase in the magnitude or the duration of a violation, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

ll. **MEDICAL WASTE.** Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

mm. **NPDES.** The National Pollutant Discharge Elimination System; the permit issued to control the discharge of liquids and/or solids to surface waters of the United States.

nn. **NOTICE OF VIOLATION.** Includes any official, written Notice from the City or an appointed representative providing notification of deficiency or violation of one or more of Greencastle's Sewer Use Ordinances.

oo. **POTW OR PUBLICLY OWNED TREATMENT WORKS.** A treatment works which is owned by a municipality as defined by section 502(4) of the Clean Water Act. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes all sewers, pipes and other conveyances that transfer wastewater to a POTW. The term also means the municipality which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. For purposes of this policy, the terms, "sanitary sewer

system” and “POTW” may be used interchangeably.

pp. **PERMITTEE.** A person who has received a permit to discharge wastewater into the POTW’s sewer facilities subject to the requirement and conditions established by the POTW.

qq. **PROPERLY SHREDED GARBAGE.** 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.

rr. **REMODELING.** A physical change or operational change causing generation of the amounts of FOG that exceeds the current amount of FOG discharge to the sewer system by the Food Service establishment in an amount that alone or collectively causes or creates a potential for SSO’s to occur or exceeding a cost that requires the need for a building permit to be issued.

ss. **SEWER FACILITY OR SYSTEM.** Any property belonging to the City of Greencastle used in the treatment, reclamation, reuse, transportation or disposal of wastewater or sludge.

tt. **SLUG LOAD OR SLUG.** Any discharge at a flow rate or concentration of pollutant or pollutants which could cause a violation of the prohibited discharge standards in this ordinance. A non-routine discharge that can adversely affect the POTW’s operation and its ability to comply with its current NPDES permit.

uu. **SSO OR SANITARY SEWER OVERFLOW.** A condition whereby untreated sewage, which could include FOG’s, is discharged into the environment prior to reaching treatment facilities thereby escaping wastewater treatment. An SSO is usually caused by a blockage as a result of grease buildup in sewer piping.

vv. **USER.** Any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User means the same as Discharger.

**ww. NEW SOURCE.**

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operation has:

(a) Begun, or caused to begin, as part of a continuous on-site construction program:

(i) any placement, assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(iii) entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

**xx. NONCONTACT COOLING WATER.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

**yy. PASS THROUGH.** A discharge which exits the POTW into waters of the United States in quantities of concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (IN0021032), including an increase in the magnitude or duration of a violation.

**zz. PASS THROUGH.** A discharge which exits the POTW into waters of the United States in quantities of concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (IN0021032), including an increase in the magnitude or duration of a violation.

**aaa. PERSON.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

**bbb. PH.** A measure of the acidity or alkalinity of a solution, expressed in standard units.

**ccc. POLLUTANT.** Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD<sub>5</sub>, COD<sub>5</sub>, toxicity, or odor).

**ddd. PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

**eee. PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

**fff. PRETREATMENT STANDARDS OR STANDARDS.** Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

**ggg. PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 9-71 of this ordinance.

**hhh. PUBLICLY-OWNED TREATMENT WORKS OR POTW.** A "treatment works", as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

iii. **SEPTIC TANK WASTE.** Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

jjj. **SEWAGE.** Human excrement and gray water (household showers, dishwashing operations, etc.).

**kkk. SIGNIFICANT INDUSTRIAL USER.**

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of processed wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Board on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting POTW's operation or for violating any pretreatment standard or requirement, the Board may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 *CFR* 403.8(f)(6), determine that such user should not be considered a significant industrial user.

lll. **SLUG LOAD OR SLUG.** Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 9-71 of this ordinance.

mmm. **STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE.** A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

nnn. **STORM WATER.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt

ooo. **SUSPENDED SOLIDS.** The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

ppp. **USER OR INDUSTRIAL USER.** A source of indirect discharge.

qqq. **SUPERINTENDENT.** The person designated by the City of Greencastle Board of Public Works and Safety who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.

rrr. **WASTEWATER.** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

sss. **WASTEWATER TREATMENT PLANT OR TREATMENT PLANT.** That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. No. 1996-7, § 1.4, 7-6-96)

**Sec. 9-65 through Sec. 9-70 Reserved for Future Use.**

Division II. General Sewer Use Requirements.**SEC. 9-71 PROHIBITED DISCHARGE STANDARDS.**

a. **GENERAL PROHIBITIONS.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

b. **SPECIFIC PROHIBITIONS.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 *CFR* 261.21;

(2) Wastewater having pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference. Total Suspended Solids level in excess of 300 mg/l daily average may be subject to a surcharge per Section 9-72;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. BOD levels in excess of 300 mg/l daily average may be subject to a surcharge per Section 9-72. COD levels in excess of 500mg/l daily average may be subject to a surcharge per Section 9-72.

(5) Wastewater having a temperature greater than 150°F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

(7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW sewers including in a quantity that may cause acute worker health and safety problems;

(8) Trucked or hauled pollutants, unless the discharger has been given prior written authorization by the Superintendent, the authorization shall also define the discharge point; (Ord. 2014-2)

(9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the City's NPDES permit;

(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent.

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) A pollutant from any source of non-domestic wastewater that could pass through or cause interference with the operation or performance of the POTW: (Ord. 2014-2)

(18) Unusual volume of flow or concentration of wastes constituting a "slug"; (Ord. 2014-2)

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. No.1996-7, § 2.1, 7-6-96)

#### **Sec. 9-72 Abnormal Waste Surcharge.**

a. In the event the Approving Authority excludes a customer from the requirements of Section 9-71 and the customer discharges abnormal industrial wastes to the public sanitary sewerage system having an average total suspended solids (TSS) content in excess of 300 mg/l and/or an average of five (5) day BOD<sub>5</sub> in excess of 300 mg/l, ad/or an average of five (5) day COD in excess of 500 mg/l, the customer shall pay a surcharge based upon the excess strength of his wastes.

b. The costs of treatment for each pound of BOD, suspended solids, or grease removed by each treatment works shall be reviewed by the City at the end of each fiscal year. If a discrepancy exists between the actual costs as found by the City and the estimated costs, the Approving Authority shall increase or decrease the surcharge rates sufficiently to cover only the projected actual costs for the ensuing year.

c. No reduction in sewerage service charges, fees, or taxes will be permitted because of the fact that certain industrial wastes discharged to the public sanitary sewerage system contain less than 300 milligrams per liter of suspended solids or 300 milligrams per liter BOD. (Ord. No. 1996-7, § 2.2, 7-6-96)

#### **Sec. 9-73 National Categorical Pretreatment Standards.**

The categorical pretreatment standards found at 40 *CFR* Chapter I, Subchapter N, Parts 405-471 are incorporated.

a. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 *CFR* 403.6(c).

b. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 *CFR* 403.6(e).

c. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 *CFR* 403.13, that factors relating to its

discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

d. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (Ord. No. 1996-7, § 2.3, 7-6-96)

**Sec. 9-74 Local Limits.**

The following pollutant limitations are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum concentrations.

DAILY MAXIMUM LIMITATIONS	
0.10	mg/l Arsenic (total)
500	mg/l BOD <sub>5</sub>
1,000	mg/l COD <sub>5</sub>
0.5	Mg/l Cadmium (total) <sup>1</sup>
0.54	Mg/l Hex. Chromium <sup>1</sup>
3.0	Mg/l Total Chromium <sup>1</sup>
500	mg/l Total Suspended Solids
1.6	mg/l Copper <sup>1</sup> (total)
0.07	mg/l Cyanide <sup>1</sup> (total)
10.0	mg/l Iron
0.25	mg/l Lead <sup>1</sup> (total)
.002	mg/l Mercury <sup>1</sup> (total)
0.016	mg/l Molybdenum <sup>2</sup> (total)
2.0	mg/l Nickel <sup>1</sup> (total)
100	mg/l Oil & Grease
0.04	mg/l Selenium <sup>2</sup>
0.54	mg/l Silver <sup>1</sup> (total)
1.0	mg/l Phenols
5.0	mg/l Zinc (total) <sup>1</sup>

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

Upon the promulgation of the National Categorical Pretreatment Standard (NCPS) for a particular user, the said standard, if more stringent than the limitations imposed under this chapter for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this ordinance. The Wastewater Superintendent shall notify all known affected users of the applicable permitting and reporting requirements under 40 *CFR* 403.12. (Ord. No. 1996-7, § 2.4, 7-6-96)

#### **Sec. 9-75 Board's Right of Revision.**

The Board reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. No. 1996-7, § 2.5, 7-6-96)

#### **Sec. 9-76 Dilution.**

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. No. 1996-7, § 2.6, 7-6-96)

#### **Sec. 9-77 through Sec. 9-80 Reserved for Future Use.**

### **Division III. Pretreatment of Wastewater.**

#### **Sec. 9-81 Pretreatment Facilities.**

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 9-71 of this ordinance 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 responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this ordinance. (Ord. No. 1996-7, § 3.1, 7-6-96)

#### **Sec. 9-82 Additional Pretreatment Measures.**

a. Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate the certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this ordinance.

b. The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

c. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. No. 1996-7, § 3.2, 7-6-96)

**Sec 9-83 Accidental Discharge/Slug Control Plans.**

At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Superintendent may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 9-116 of this ordinance; and
- d. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. No. 1996-7, § 3.3, 7-6-96)

**Sec. 9-84 through Sec. 9-90 Reserved for Future Use.**

**Division IV. Fats, Oil and Grease (FOG) Facilities**<sup>12</sup>  
(Formerly Wastewater Discharge Permit Application. (Ordinance 2014-2.))

**Sec. 9-91 Purpose, Policy and Administration.**

The purpose of this policy is to regulate the generation and disposal of grease waste for the protection of the City of Greencastle POTW and the environment. The objective of this policy is to reduce the operational and maintenance cost of maintaining the POTW and collections system and to ensure compliance with the City's National Pollutant Discharge Elimination System (NPDES) permit by preventing the accumulation of fats, oil and grease within the sewer collection system.

This policy shall apply to food service facilities within the Greencastle city limits and to persons outside the city limits who, by contract or agreement with the City, are users of the City's sewage treatment plant and wastewater collection system.

**Sec. 9-92. Applicability and Prohibitions.**

a. This policy applies to all Food Service Facilities that are users of the Greencastle Publicly- Owned Treatment Works (POTW), as defined in Chapter 9, Article 5 sec. 9-48 (a) of the Greencastle City Code. Grease Interceptors/Traps are not required for other users.

b. Food Service Facilities generating fats, oils or greases as a result of food manufacturing, processing, preparation or food service, shall install, use and maintain appropriate Grease Interceptors/Traps as defined in Chapter 9, Article 5 sec 9-48 (a) of this policy.

c. No user may intentionally or unintentionally allow the direct or indirect discharge of any petroleum oil, non-biodegradable cutting oil, mineral oil, or any fats, oils, or greases of animal or vegetable origin into the POTW system in such amounts as to cause interference with the collection and treatment system, or as to cause pollutants to pass through the treatment works into the environment.

**Sec. 9-93. Compliance Date.**

---

<sup>12</sup>Ordinance 2014-2 (March 11, 2014)

a. On or after the effective date of the policy an existing facility shall be required to install an approved, adequately sized, and properly operated and maintained Grease Interceptor/Trap no later than January 1, 2011.

b. Existing facilities required by this or any other applicable ordinance or policy to maintain a Grease Interceptor/Trap presently equipped with an undersized or improper Grease Trap shall, install an adequately sized Grease Interceptor/Trap in accordance with the specifications of this policy no later than January 1, 2011.

c. New facilities required by this or other applicable policies or ordinances to maintain a Grease Interceptor/Trap shall install such a unit prior to commencement of discharge to the POTW.

d. Any requests for extensions to installation dates must be made in writing to the City Utility Superintendent at least thirty (30) days in advance of the User's failure or inability to comply with the compliance date set forth. The request must describe the additional time needed to complete the remaining work and the steps to be taken to avoid future delays. The City shall determine the date for compliance. Requests based on monetary considerations will not be accepted.

#### **Sec. 9-94. Discharge Criteria.**

a. Where fats and grease are a byproduct of food preparation and/or cleanup, reasonable efforts shall be made to separate fats and grease into a separate container for proper disposal. Fats and grease shall not be discharged to any drain or Grease Interceptor/Trap, except as contained in byproducts of food preparation and/or clean up. Such waste shall be placed in a container designed to hold such waste and either sent to an appropriate processing facility or disposed of at an approved location.

b. None of the following agents shall be placed directly into a grease trap or into any drain that leads to an Interceptor/Grease Trap:

(1) Emulsifiers, de-emulsifiers, surface active agents, enzymes, degreasers, or any type of product that will liquefy Grease Interceptor wastes.

(2) Any substance capable of passing the solid or semi-solid contents of the Grease Interceptor/Trap to the POTW.

c. The influent to Grease Interceptors/Grease Traps shall not exceed 140 degrees Fahrenheit.

d. Toilets, urinals and other similar fixtures shall not discharge through a Grease Interceptor/ Trap.

e. No food waste disposal unit or dishwasher shall be connected to or discharge into Grease Interceptor/Grease Trap.

#### **Sec. 9-95. Grease Interceptor/Trap Permit.**

a. Any food service facility is required to obtain a permit from the City known as a "Grease Interceptor/Grease Trap Permit."

b. Any new food service facility is subject to Grease Interceptor/Grease Trap requirements. All such facilities must obtain prior approval from the City for Grease Interceptor/Grease Trap sizing prior to or when submitting plans for a building permit.

c. Grease Interceptor/Grease Trap Permit applications shall be completed and filed with the Utilities Department. Plans shall be provided with the application indicating the location and design details for the proposed Grease Interceptor/Trap. Which Grease Interceptor or Grease Trap(s) is required depends on the requirements of the structure and includes such factors as whether the structure is existing, limitation of installation sites, amount of grease estimated to be collected and number of facilities served by the trap/interceptor. The City shall determine whether the plans submitted in the application will sufficiently serve the facility and may require additional BMP's or equipment to be installed.

d. Permits shall be issued for a specified time not to exceed five (5) years. The terms and conditions of the permit may be subject to modification by the City Utilities Department during the life of the permit,

due to changes in state and federal law or other factors. The permittee shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change. Any new conditions in the permit shall include a reasonable time schedule for compliance. After five (5) years from the original permit issue date, the permit shall be renewed by submitting a new permit application.

e. Grease Interceptor/Trap sizing and installation shall conform to the current engineering practices, the Indiana Plumbing Code, and the Universal Plumbing Code and recommended practices of the Plumbing and Drainage Institute.

f. Grease Interceptors/Traps shall be installed at a location where it shall be easily accessible for inspection, cleaning and removal of intercepted grease. Location of the Grease Interceptor/Trap must meet the approval of the City and health code requirements.

g. If a facility believes the installation of a Grease Interceptor or Trap is infeasible because of documented space constraints, it must request an alternative.

h. Access manholes, with a minimum diameter of twenty (20) inches, shall be provided over each Grease Interceptor chamber and sanitary tree. The access manholes shall extend at least to finished grade and be designed and maintained to prevent water inflow or infiltration. The manholes shall also have readily removable covers to facilitate inspections, grease removal, and wastewater sampling activities.

i. Upon approval by the City, a Grease Trap or Interceptor complying with the provisions of this section must be installed in the waste line leading from sinks, drains, and other fixtures or equipment in food service facilities where grease may be introduced into the drainage.

j. Grease Interceptors/Traps required under this policy shall be installed outdoors unless the City authorizes the installation of an indoor Grease Interceptor/Trap or other alternative pretreatment technology.

k. All facilities receiving a permit will be subject to annual inspections. These inspections will be initiated within one year after the adoption of this policy. Inspection fees will be assessed as described in subsection 7 below.

l. Permittees are required to pay an application fee of \$100.00, which shall include the initial inspection.

m. Each year thereafter, Permittees are required to pay an annual inspection fee of \$100.00.

n. Permits shall be issued only for specific users for specific operations. As a result of any sale, lease, or transfer of the premises for which the permit was issued, a new permit shall be required. Any new or changed conditions of operation shall also require that a new permit be issued.

#### **Sec. 9-96. Grease Interceptor/Trap Permit Compliance Requirements.**

a. All Permittees shall engage in Best Management Practices, as outlined in documentation provided to the Permittee by the City with the Grease Interceptor/Grease Trap Permit application.

b. All such Grease Interceptor/Traps shall be serviced and emptied of accumulated waste content as required in order to maintain minimum design capability or effective volume. These devices should be inspected at least monthly. Users who are required to maintain a Grease Interceptor or Trap shall:

(1) Provide for a minimum hydraulic retention time in accordance with the engineering guidelines.

(2) Remove any accumulated grease, sludge, and organic material as required.

(3) Be kept free of inorganic solid materials such as grit, rocks, gravel sand, eating utensils, cigarettes, shells, towels, rags, etc., which could settle into this pocket and thereby reduce the effective volume of the device.

c. Maintenance records on Grease Interceptor/Trap cleaning and pumping must be maintained for three (3) years and must be available for inspection on the premises.

d. The permit may be revoked by the City if the Permittee is found to be in violation of this chapter and:

- (1) Fails to install grease pretreatment devices as required by the permit;
- (2) Fails to fulfill reporting requirements or pretreatment maintenance as required by the permit;
- (3) Refuses reasonable access to the Permittees's premise for the purpose of inspection or monitoring;
- (4) Violates any conditions of the permit.

#### **Sec.9-97. Violation.**

a. It is unlawful for any user to discharge into the POTW in any manner that is in violation of this policy, or of any condition set forth in this ordinance. Additionally, a person commits an offense if the person causes or permits the plugging or blocking of, or otherwise interferes with or permits interference with a Grease Interceptor/Trap or the POTW, including alteration or removal of any flow constricting devices so as to cause flow to rise above the design capacity of the interceptor/trap.

b. No person, and/or facility shall discharge grease into the POTW, except as expressly authorized by the policy. If such discharge occurs, the person or facility shall be considered in violation of this policy and subject to the remedies described herein. This includes non-permitted facilities.

c. In addition to prohibiting certain conduct by persons, it is the intent of this article to hold a corporation, association, LLC, LLP, PS or other entity or organization legally responsible for prohibited conduct performed by an agent acting on behalf of such an entity and within the scope of his/her office or employment.

#### **Sec. 9-98 Enforcement.**

a. Except as provided herein, for a period of six (6) months following adoption of this policy, although installation of Grease Interceptors/Traps will be required to be installed, no enforcement actions will be taken under this policy for failure to achieve limits of grease discharges from the facility unless such discharges are found to be intentional. If, during this six (6) month period, there is an obstruction of a sewer main(s), the City will take appropriate enforcement actions in the form of a written citation with date for compliance issued to the responsible person on site. The focus of the citation shall be educational.

b. All future violations will be classified as Major or Minor events as indicated below. Each day a violation occurs constitutes a separate offense.

(1) **Minor Violations** shall be defined as violations that created a blockage in a sewer line, but no damage was done to other property owners or other users of the collection system and no overflows occurred. Any person violating any of the provisions of this policy shall be subject to the following:

- a.) 1<sup>st</sup> Minor Offense \$ 500.00 civil fine
- b.) 2<sup>nd</sup> Minor Offense \$1,000.00 civil fine
- c.) 3<sup>rd</sup> Minor Offense \$1,500.00 civil fine

Consistent violations will result in a \$500 increase in civil penalty and may result in termination of service.

(2) **Major Violations** shall be defined as a violation caused by a person or entity that created blockage of a collection system line and/or caused damage to other property or other users of the collections system. Any person violating any of the provisions of this policy shall be subject to the following:

- a.) 1<sup>st</sup> Major Offense - a notice of violation will be assessed for the cost of the removal of the blockage and any damages to other property and/or other users of the collection system, and a possible monetary penalty of no less than \$500.00.
- b.) 2<sup>nd</sup> Major Offense - within a twelve (12) month period, a Notice of Violation shall be issued with a penalty of no less than \$1,000.00 in addition to the cost of the removal of blockages and/or damage done to property and/or other users of the collections system. Additional costs or

penalties could be assessed by State and Federal agencies. The discharger shall be informed that a future occurrence could result in termination of City water service.

c.) 3<sup>rd</sup> Major Offense within a two-year period, a Notice of Violation shall be issued with a penalty of no less than \$2,500.00 per violation, in addition to the cost of the removal of blockages and/or damage done to property and/or other users of the collections system. Additional costs or fine could be assessed by State and Federal agencies and the City could terminate the User's water service. If water service is not terminated, the discharger shall be informed that a future occurrence could result in termination of City water service.

### **Sec. 9-99. Appeal Process**

a. The Board of Public Works and Safety shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City, its Building Inspector or Utility Superintendent, in the enforcement or administration of this policy.

b. Appeals must be made in writing to the Greencastle Board of Public Works and Safety for the City of Greencastle not more than thirty (30) days after the decision or action taken by the City. Failure to comply with this time requirement shall constitute a waiver of the User's right to appeal.

### **Sec. 9-100. Authorization**

City Council and/or the Board of Public Works and Safety are authorized to promulgate such rules and regulations as shall be reasonable and necessary to carry out the provisions of the ordinance according to its terms and intent. If any part or parts of this policy shall be held to be invalid, such invalidity shall not affect the remaining parts of this ordinance.

## **Division V. Wastewater Discharge Permit Issuance Process.**

### **Sec. 9-101 Wastewater Discharge Permit Duration.**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. No. 1996-7, § 5.1, 7-6-96)

### **Sec. 9-102 Wastewater Discharge Permit Contents.**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the receiving stream receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

a. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Board in accordance with Section 9-105 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location,

sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

b. Wastewater discharge permits **MAY** contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

(3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of users charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations. (Ord. No. 1996-7, § 5.2, 7-6-96)

### **Sec. 9-103 Wastewater Discharge Permit Appeals.**

The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

a. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

b. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

c. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

d. If the Wastewater Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

e. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Putnam County Circuit Court within thirty (30) days of the decision. (Ord. No. 1996-7, § 5.3, 7-6-96)

**Sec. 9-104 Wastewater Discharge Permit Modification.**

The Superintendent may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- b. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- d. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;
- e. Violation of any terms or conditions of the wastewater discharge permit;
- f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- g. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 *CFR* 403.13;
- h. To correct typographical or other errors in the wastewater discharge permit; or
- i. To reflect a transfer of the facility ownership or operation to a new owner or operator. (Ord. No. 1996-7, § 5.4, 7-6-96)

**Sec. 9-105 Wastewater Discharge Permit Transfer.**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Superintendent and the Superintendent approves the wastewater discharge permit transfer. The notice to the Superintendent must include a written certification by the new owner or operator which:

- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. No. 1996-7, § 5.5, 7-6-96)

**Sec. 9-106 Wastewater Discharge Permit Revocation.**

The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- a. Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- b. Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 9-115 of this ordinance;
- c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge

permit application;

- d. Falsifying self-monitoring reports;
  - e. Tampering with monitoring equipment;
  - f. Refusing to allow the Superintendent or his agent timely access to the facility premises and records;
  - g. Failure to meet effluent limitations;
  - h. Failure to pay fines;
  - i. Failure to pay sewer charges;
  - j. Failure to meet compliance schedules;
  - k. Failure to complete a wastewater survey or the wastewater discharge permit application;
  - l. Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- or
- m. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Order. No. 1996-7, § 5.6, 7-6-96)

#### **Sec. 9-107 Wastewater Discharge Permit Reissuance.**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 9-95 of this ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit. (Ord. No. 1996-7, § 5.7, 7-6-96)

#### **Sec. 9-108 Regulation of Waste Received from Other Jurisdictions.**

a. If another municipality, or sewer district contributes wastewater to the POTW, the Superintendent shall enter into an intermunicipal or interdistrict agreement with the contributing entity.

b. Prior to entering into an agreement required by paragraph A, above, the Superintendent shall request the following information from the contributing entity:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;

(2) An inventory of all users located within the contributing entity that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

c. An agreement, as required by paragraph (a.), above, shall contain the following conditions:

(1) A requirement for the contributing entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 9-74 of this ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits;

(2) A requirement for the contributing entity to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including: wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;

(4) A requirement for the contributing entity to provide the superintendent with access to all information that the contributing entity obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing entity's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing entity's discharge;

(7) A provision ensuring the Superintendent access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intermunicipal or interdistrict agreement. (Ord. No. 1996-7, § 5.8, 7-6-96)

**Sec. 9-109 through Sec. 9-110 Reserved for Future Use.**

### **Division VI. Reporting Requirements.**

#### **Sec. 9-111 BASELINE MONITORING REPORTS.**

a. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 *CFR* 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in paragraph b., below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

b. Users described above shall submit the information set forth below.

(1) **IDENTIFYING INFORMATION.** The name and address of the facility, including the name of the operator and owner.

(2) **ENVIRONMENTAL PERMITS.** A list of any environmental control permits held by or for the facility.

(3) **DESCRIPTION OF OPERATIONS.** A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

(4) **FLOW MEASUREMENT.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestreams formula set out in 40 *CFR* 403.6(e).

**(5) MEASUREMENT OF POLLUTANTS.**

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 9-120 of this ordinance.

(c) Sampling must be performed in accordance with procedures set out in Section 9-121 of this ordinance.

**(6) CERTIFICATION.** A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

**(7) COMPLIANCE ORDER.** When the City finds that a user is in violation of the ordinance or applicable regulations or order issued, the City may direct the user to come into compliance within a specified time for all additional pretreatment and O&M requirements. If the user does not come into compliance within the time provided, sewer service may be discontinued.

The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 9-112 of this ordinance.

**(8) SIGNATURE AND CERTIFICATION.** All baseline monitoring reports must be signed and certified in accordance with Section 9-96 of this ordinance. (Ord. No. 1996-7, § 6.1, 7-6-96)

**Sec. 9-112 Compliance Schedule Progress Reports.**

The following conditions shall apply to the compliance schedule required by Section 9-111(b)(7) of this ordinance:

a. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, project status reports, beginning operation, and attaining compliance);

b. No increment referred to above shall exceed nine (9) months;

c. The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

d. In no event shall more than nine (9) months elapse between such progress reports to the Superintendent. (Ord. No. 1996-7, § 6.2, 7-6-96)

**Sec. 9-113 Reports on Compliance with Categorical Pretreatment Standard Deadline.**

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in Section 9-111(b)(4-6) of this ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 *CFR* 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 9-96 of this ordinance. (Ord. No. 1996-7, § 6.3, 7-6-96)

**Sec. 9-114 Periodic Compliance Reports.**

a. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 9-96 of this ordinance.

b. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

c. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in Section 9-121 of this ordinance, the results of this monitoring shall be included in the report. (Ord. No. 1996-7, § 6.4, 7-6-96)

**Sec. 9-115 Reports of Changed Conditions.**

Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

a. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 9-95 of this ordinance.

b. The Superintendent may issue a wastewater discharge permit under Section 9-97 of this ordinance or modify an existing wastewater discharge permit under Section 9-104 of this ordinance in response to changed conditions or anticipated changed conditions.

c. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. (Ord. No. 1996-7, § 6.5, 7-6-96)

**Sec. 9-116 Reports of Potential Problems.**

a. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

b. Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be imposed pursuant to this ordinance.

c. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a.), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure. (Ord. No. 1996-7, § 6.6, 7-6-96)

**Sec. 9-117 Reports from Unpermitted Users.**

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require. (Ord. No. 1996-7, § 6.7, 7-6-96)

**Sec. 9-118 Notice of Violation/Repeat Sampling and Reporting.**

If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling. (Ord. No. 1996-7, § 6.8, 7-6-96)

**Sec. 9-119 Notification of the Discharge of Hazardous Waste.**

a. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 *CFR* Part 261. Such notification must include the name of the hazardous waste as set forth in 40 *CFR* Part 261, the EPA hazardous waste number, and type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notifications under this paragraph need to be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 9-115 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of sections 9-11, 9-113, and 9-114 of this ordinance.

b. Discharges are exempt from the requirements of paragraph (a.), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 *CFR* 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 *CFR* 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

c. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and the Indiana Department of Environmental Management (IDEM) of the discharge of such substance within ninety (90) days of the effective date of such regulations.

d. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

e. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law. (Ord. No. 1996-7, § 6.9, 7-6-96)

**Sec. 9-120 Analytical Requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 *CFR* Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 *CFR* Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA. (Ord. No. 1996-7, § 6.10, 7-6-96)

**Sec. 9-121 Sample Collection.**

a. Except as indicated in Section b, below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

b. Samples for oil and grease (O & G), temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. (Ord. No. 1996-7, § 6.11, 7-6-96)

**Sec. 9-122 Timing.**

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed postage prepaid into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. No. 1996-7, § 6.12, 7-6-96)

**Sec. 9-123 Record Keeping**

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of Greencastle or where the user has been specifically notified of a longer retention period by the Superintendent. (Ord. No. 1996-7, § 6.13, 7-6-96)

**Sec. 9-124 through Sec. 9-130 Reserved for Future Use.**

**Division VII. Compliance Monitoring.****Sec. 9-131 Right of Entry: Inspection and Sampling.**

The Superintendent shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Superintendent ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

a. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent or his agent will be permitted to enter without delay for the purposes of performing specific responsibilities.

b. The Superintendent or his agent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

c. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum of once per year to ensure their accuracy.

d. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

e. Unreasonable delays in allowing the Superintendent or his agent access to the user's premises shall be a violation of this ordinance. (Ord. No. 1996-7, § 7.1, 7-6-96)

**Sec. 9-132 Search Warrants.**

If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a warrant from the Putnam County Circuit Court of Greencastle, Indiana. (Ord. No. 1996-7, § 7.2, 7-6-96)

**Sec. 9-133 through Sec. 9-135 Reserved for Future Use.**

**Division VIII. Confidential Information.****Sec. 9-136 Request for User Information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Wastewater Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. (Ord. No. 1996-7, § 8, 7-6-96)

**Sec. 9-137 Exceptions:**

When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available to inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 *CFR* 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. No. 1996-7, § 8, 7-6-96)

**Sec. 9-138 through Sec. 9-140 Reserved for Future Use.****Division IX. Administrative Enforcement Remedies.****Sec. 9-141 Notification of Violation.**

When the Superintendent finds that a user has violated, or continues to violate, any provisions of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an 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 this 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 to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. No. 1996-7, § 9.1, 7-6-96)

**Sec. 9-142 Consent Orders.**

The Superintendent may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will 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 administrative orders issued pursuant to Sections 9-144 and 9-145 of this ordinance and shall be judicially enforceable. (Ord. No. 1996-7, § 9.2, 7-6-96)

**Sec. 9-143 Show Cause Hearing.**

The Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent 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 representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. No. 1996-7, § 9.3, 7-6-96)

**Sec. 9-144 Compliance Orders.**

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing the user come into compliance with 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 standard or requirement, 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. (Ord. No. 1996-7, § 9.4, 7-6-96)

**Sec. 9-145 Cease and Desist Orders.**

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's 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:

- a. Immediately comply with all requirements; and
- b. 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 bar against, or a prerequisite for, taking any other action against the user. (Ord. No. 1996-7, § 9.5, 7-6-96)

**Sec. 9-146 Administrative Fines.**

a. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed two-thousand, five-hundred dollars (\$2,500.00) as provided by I.C. § 36-1-3-8. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

b. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

c. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and order, court costs and attorney fees, to the fine.

d. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. No. 1996-7, § 9.6, 7-6-96)

**Sec. 9-147 Emergency Suspensions.**

The Superintendent may immediately suspend a user's discharge, after formal 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 or the environment. 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 POTW, or which presents, or may present, an endangerment to the environment.

a. 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 the danger to the POTW, 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.

b. 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.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. No. 1996-7, § 9.7, 7-6-96)

#### **Sec. 9-148 Termination of Discharge.**

In addition to the provisions in Section 9-106 or this ordinance, any user who violates the following conditions is subject to discharge termination:

- a. Violation of wastewater discharge permit conditions;
- b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- d. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- e. Violation of the pretreatment standards in Division II of this ordinance.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 9-153 of this ordinance why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. No. 1996-7, § 9.8, 7-6-96)

#### **Sec. 9-149 Procedural Authority**

The Greencastle Board of Public Works and Safety shall enact Emergency Response Procedures and any other procedures necessary to implement the provisions in this Chapter. (Ord. 2008-8)

#### **Sec. 9-150 Reserved for Future Use.**

### **Division X. Judicial Enforcement Remedies.**

#### **Sec. 9-151 Injunctive Relief.**

When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Putnam County Circuit Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent 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. (Ord. No. 1996-7, § 10.1, 7-6-96)

**Sec. 9-152 Civil Penalties.**

Repealed by Ordinance 2008-8 (Previously established by Ord. No. 1996-7, §10.3, 7-6-96)

**Sec. 9-153 Remedies Nonexclusive.**

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's 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. (Ord. No. 1996-7, § 10.3, 7-6-96)

**Sec. 9-154 through Sec. 9-158 Reserved for Future Use.**

**Division XI. Miscellaneous Provisions.****Sec. 9-159 Pretreatment Charges and Fees.**

The Board may adopt reasonable fees for reimbursement of costs of setting up and operating the City's Pretreatment Program which may include:

- a. Fees for wastewater discharge permit applications including the cost of processing such applications;
- b. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- c. Fees for reviewing and responding to accidental discharge procedures and construction;
- d. Fees for filing appeals; and
- e. Other fees as the Board may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the City. (Ord. No. 1996-7, § 11.1, 7-6-96)

**Sec. 9-160 through Sec. 9-164 Reserved for Future Use.**

**Division XII. Effective Date.****Sec. 9-165 Effective Date and Adoption.**

- a. This ordinance shall become immediately effective upon its adoption by the Common Council, signature by the Mayor, enrollment in the book of ordinances, and publication of notice as required by law.
- b. Any ordinance in contradiction to this ordinance is repealed. (Ord. No. 1996-7, § 12, 7-6-96)

**Sec. 9-166 through Sec. 9-169 Reserved for Future Use.**

**ARTICLE 8. MUNICIPAL SEPARATE STORM SEWER SYSTEM<sup>12</sup>****Division I. General Provisions****Sec. 9-170 Purpose and Intent.**

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the Depauw/Greencastle MS4 community through the regulation of non-stormwater discharges to the storm drainage system as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

- a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4).
- b. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.
- c. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.

**Sec. 9-171 Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

**Sec. 9-172 Definitions.**

For the purposes of this ordinance, the following shall mean:

- a. **AUTHORIZED ENFORCEMENT AGENCY.** Employees or designees of the Mayor of the City of Greencastle designated to enforce this ordinance.
- b. **BEST MANAGEMENT PRACTICES (BMPs).** Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
- c. **CLEAN WATER ACT.** The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- d. **CONSTRUCTION ACTIVITY.** Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

---

<sup>12</sup>

Ordinance 2008-9, passed June 10, 2008 and establishes Article 7 under Chapter 9, Utilities.

e. **HAZARDOUS MATERIALS.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

f. **ILLEGAL DISCHARGE.** Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

g. **ILLICIT CONNECTIONS.** An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, processed wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

h. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT.** A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

i. **NON-STORMWATER DISCHARGE.** Any discharge to the storm drain system that is not composed entirely of stormwater.

j. **POLLUTANT.** Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

k. **STORM DRAINAGE SYSTEM.** Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

l. **STORMWATER.** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

m. **STORMWATER POLLUTION PREVENTION PLAN.** A document which describes the

Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

n. **WASTEWATER.** Means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

**Sec 9-173 Permits.**

a. No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of *1 acre or more* without the approval of an Erosion and Sediment Control Plan by the City of Greencastle.

b. No site development permit is required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

c. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

d. Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan.

**Sec. 9-174 Review and Approval.**

a. The City of Greencastle will review each application for a site development permit to determine its conformance with the provisions of this regulation and:

(1) Approve the permit application allowing the owner to submit a Notice of Intent to IDEM with the required filing fee;

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission

**Sec. 9-175 Erosion and Sediment Control Plan.**

a. The Erosion and Sediment Control Plan shall include the following:

- (1) A natural resources map identifying soils, forest cover, and natural resources.
  - (2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  - (3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - (4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - (5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- b. Modifications to the plan shall be processed and approved or disapproved in the same manner as Section 4 of this regulation. Modifications must be approved by the City of Greencastle by written authorization to the permittee, and may include:
- (1) Major amendments of the erosion and sediment control plan submitted to the City of Greencastle.
  - (2) Field modifications of a minor nature.
- c. Erosion control requirements shall include the following:
- (1) Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
  - (2) If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or the City of Greencastle may require the site to be reseeded or a non-vegetative option employed.
  - (3) Special techniques that meet the design criteria outlined in the Erosion and Sediment Control Manual issued by IDEM on steep slopes or in drainage ways shall be used to ensure stabilization.
  - (4) Soil stockpiles must be stabilized or covered at the end of each workday.
  - (5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  - (6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(7) Techniques that divert upland runoff past disturbed slopes shall be employed.

d. Sediment control requirements shall include:

(1) Settling basins, sediment traps, or tanks and perimeter controls.

(2) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

e. Waterway and watercourse protection requirements shall include:

(1) A temporary stream crossing installed and approved by the approving agency, (*e.g.*, *Waterways Division, ESC agency*) if a wet watercourse will be crossed regularly during construction.

(2) Stabilization of the watercourse channel before, during, and after any in-channel work.

(3) All on-site stormwater conveyance channels designed according to the criteria outlined in the Erosion and Sediment Control Manual issued by IDEM.

(4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.

f. Construction site access requirements shall include:

(1) a temporary access road provided at all sites.

(2) other measures required by the City of Greencastle in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

#### **Sec. 9-176 Inspection.**

a. The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures.

b. The City of Greencastle shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved.

#### **Sec. 9-177 Discharge Prohibitions.**

##### Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows, which shall be:

a. Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water sources not containing pollutants.

b. Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

c. Dye testing, provided that a verbal notification has been given to the City of Greencastle prior to the time of the test.

d. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### **Sec. 9-178 Suspension of MS4 Access.**

a. Suspension due to Illicit Discharges in Emergency Situations. The authorized enforcement agency may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

b. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

c. A person commits an ordinance violation if the person reinstates MS4 access to premises terminated pursuant to this Section without the prior approval of the authorized enforcement agency.

#### **Sec. 9-179 Industrial or Construction Activity Discharges.**

Any person subject to an industrial or construction activity NPDES storm water discharge permit or erosion and sediment control permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the authorized enforcement agency prior to the allowing of discharges to the MS4.

**Sec. 9-180 Requirement to Prevent, Control, and Reduce Stormwater Pollutants Through the Use of Best Management Practices.**

The owner will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The said BMPs will apply to the owner or operator who shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWP3) as necessary for compliance with requirements of the NPDES permit.

**Sec. 9-181 Notification of Spills.**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies and appropriate regulatory agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the authorized enforcement agency within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**Sec. 9-182 Enforcement.**

## a. Notice of Violation.

Whenever the authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) Monitoring, analysis, and reporting;
- (2) The elimination of illicit connections or discharges;

- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

b. Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 5 days from the date of the Notice of Violation. Hearing on the appeal before the Greencastle Board of Works shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

c. Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 days of the decision of the municipal authority of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. The violator shall be responsible for all expenses associated with the abatement of the violation. The City of Greencastle shall place a lien on the property for any expenses that are unpaid for 30 days.

d. Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

e. Violations deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and

welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

f. Fines

In addition to the above measures the authorized enforcement agency may assess a fine for any violation of the ordinance of a minimum of \$100.00 and a maximum of \$2500.00 per day as determined by the authorized enforcement agency. Each day that a violation occurs shall constitute a separate violation, subject to a fine.

g. Remedies not exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**Sec. 9-183 through Sec. 9-200 Reserved for Future Use.**

**\*\*Page 528 through Page 544 Reserved for Future Use.\*\***