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CHAPTER 100 SEWAGE RATES AND CHARGES

Updated 2.24.2005

By Bill Reed

100.01 User - Classes

Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, in order that the sewage works shall recover, from each user, revenue, which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works.

(a) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency published in the Federal Register August 21, 1973 (38 CFR 22523) and on February 11, 1974 (39 CFR 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewage works plant and equipment.

(b) The various user classifications for the purpose of this Code, shall be as follows:

- Class I -
1. Residential
 2. Apartments/Multiple family dwelling
(on a single meter)
 3. Commercial
 4. Governmental
 5. Institutional
 6. Wholesale residential
 7. Industrial

100.02 Sewage Rates

For the use of and the services rendered by said sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town sanitary system or otherwise discharge sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Bremen. Such rates and charges include User Charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(a) Sewage Bill Calculation

The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, and a base charge based on the size of the water meter in use at that location, except as herein otherwise provided. Water meters will be read once each month, and sewage service bills shall be rendered once each month, or period equaling a month). The water usage schedule on which the amount of said rates and charges shall be determined shall be as follows:

Following Rate Effective July 1, 2004

1. <u>Metered Rate</u> Rate per 1000 Gallons	<u>Charge</u>			<u>Total</u>
	Billed Flow	I/I Flow	Total	Debt Service Flow Rate
	\$.679	\$.789	\$1.468	\$.792 \$2.26

**2. Base Rate - As follows:
All User Classes**

	<u>Monthly Base Rate</u>		
	<u>User Charge</u>	<u>Debt Charge</u>	<u>Total</u>
5/8" water meter	\$ 2.72	\$ 1.18	\$ 3.90
3/4" water meter	2.72	1.18	3.90
1" water meter	6.03	2.77	8.80
1-1/4" water meter	9.38	4.42	13.80
1-1/2" water meter	13.41	6.39	19.80
2" water meter	22.70	10.95	33.65
3" water meter	51.66	25.04	76.70
4" water meter	91.67	44.63	136.30
6" water meter	205.48	100.17	305.65

Following Rate Effective July 1, 2005

1. <u>Metered Rate</u> Rate per 1000 Gallons	<u>Charge</u>			<u>Total</u>
	Billed Flow	I/I Flow	Total	Debt Service Flow Rate
	\$.762	\$.886	\$1.648	\$.792 \$2.44

**2. Base Rate - As follows:
All User Classes**

	<u>Monthly Base Rate</u>		
	<u>User Charge</u>	<u>Debt Charge</u>	<u>Total</u>
5/8" water meter	\$ 3.02	\$ 1.18	\$ 4.20
3/4" water meter	3.02	1.18	4.20
1" water meter	6.73	2.77	9.50
1-1/4" water meter	10.48	4.42	14.90
1-1/2" water meter	15.01	6.39	21.40
2" water meter	25.40	10.95	36.35
3" water meter	57.81	25.04	82.85
4" water meter	102.57	44.63	147.20
6" water meter	229.93	100.17	330.10

Following Rate Effective July 1, 2006

1. Metered Rate

Rate per 1000 Gallons	Charge			Debt Service	Total Flow Rate
	Billed Flow	I/I Flow	Total		
	\$.855	\$.993	\$1.848	\$.792	\$2.64

2. Base Rate - As follows:

All User Classes

	Monthly Base Rate		
	User Charge	Debt Charge	Total
5/8" water meter	\$ 3.37	\$ 1.18	\$ 4.55
3/4" water meter	3.37	1.18	4.55
1" water meter	7.48	2.77	10.25
1-1/4" water meter	11.68	4.42	16.10
1-1/2" water meter	16.71	6.39	23.10
2" water meter	28.30	10.95	39.25
3" water meter	64.46	25.04	89.50
4" water meter	114.37	44.63	159.00
6" water meter	256.33	100.17	356.50

- (b) For the services rendered to the Town of Bremen, said Town shall be subject to the same rates and charges herein above provided, or to charges and rates established in harmony therewith.
- (c) The rates and charges as herein set forth became effective on the first full billing period after the adoption of Ordinance 3-2004 on May 24, 2004, and is now incorporated in this new Code.

100.03 Discharges Into the Sewer System

The quantity of water discharged into the sanitary sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; further, as is hereinafter provided in this section, the Town may make proper allowances in the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sanitary sewage system.

- (a) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this Code, the owner

or other interested party shall at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

- (b) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested parties shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- (c) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.
- (d) In the event two (2) or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times \$ 3.00 per month. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A Dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
- (e) In order that the single family domestic and residential users of sewage service shall not be penalized for sprinkling lawns during the summer months of June, July, August and September, the billing for sewage service for residences an/or domestic users for said months shall be based upon the water usage for the previous months of December, January, February and March. In the event the water usage for said previous months is greater than the water usage for said summer months, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building which is occupied and used as a single family residence. **Said sprinkling rate shall not apply to premises which are serviced by a separate sprinkling meter**

unless said meter is valved off at the property line by a water department control valve, or premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter and in such case the water usage as registered by the water meter serving such portion of the premises used for residential purposes would qualify under the sprinkling rate.

- (f) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary system, either directly or indirectly, and uses water in excess of 15,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

100.04 **Basis for Determining Sewage Charge**

In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The Town shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

- (a) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 200 milligrams per liter of fluid, suspended solids in excess of 150 milligrams per liter of fluid, or NH₃-N in excess of 14 milligrams per liter of fluid in the winter months and 9.8 milligrams per liter of fluid in the summer months. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis.

(1) Rate Surcharge Based upon Suspended Solids

There shall be an additional charge of \$.11 per pound of suspended solids for suspended solids received in excess of 150 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of \$.07 per pound of biochemical oxygen

demand for BOD received in excess of 200 milligrams per liter of fluid.

(3) Rate Surcharge Based on NH₃-N

There shall be an additional charge of \$.12 per pound of NH₃-N (ammonia Nitrogen) for NH₃-N received in excess of 7 milligrams per liter.

- (b)** The determination of Suspended Solids, Five-day Biochemical Oxygen Demand, and Ammonia Nitrogen contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with "Guidelines Establishing Test Procedures for Analysis of Pollutants", Regulation CFR Part 136, published in the Federal Register on October 16, 1973. As amended October 26, 1984.

100.05 General Sewer Hook-on Fee

A hook-on fee in the amount of One Hundred Dollars (\$100.00) shall be charged for all connections made to the Town municipal sewer system, including any connections made to private contract sewers in or out of the Town limits. The hook-on fee shall be paid prior to actual connection to the Town sewer system, charges also shown in Paragraph 102.35 of the Code.

100.0501 Multiple Dwelling Sewer Hook-on Fee

In addition to the hook-on fee in Paragraph 100.05, in the case of multi-family dwelling units, a Fifty Dollar (\$50.00) per unit connection fee starting with the second unit will be charged. The hook-on fee for multi-family dwellings shall be paid prior to actual connection to the Town sewer system, charges also shown in Paragraph 102.35 of the Code

100.0502 Determination of Sewer Hook-on Fee

In the event that any application for hook-on fee requires definition as to what category shall be applied for the payment of fees, the Clerk-Treasurer shall refer such application to the Department of Sanitation systems for determination and disposition.

100.0503 Industrial, Commercial or Non-Residential Users Sewer Hook-on Fee
 Any industrial, commercial or non-residential user shall pay the following hook-on fee in lieu of the fee provided for in Paragraph 100.05

<u>Number of Meters</u>	<u>Size</u>	<u>Charge (fee)</u>
1	3/4"	\$ 160.00
1	1"	\$ 240.00
1	1-1/2"	\$ 480.00
1	2"	\$ 630.00
2	2"	\$ 780.00
3	2"	\$ 940.00
1	4"	\$ 1,090.00
1	6"	\$ 1,230.00

Charges also show in Paragraph 102.35.

100.0504 Increase in Water Meter Size
 Present industrial, commercial or non-residential users now receiving sanitary sewer service who apply for a larger water meter than they now have shall pay the difference in cost at the time of the filing of the application between the size of the meter they now have and the one applied for, according to the charges set forth in section 100.0503. No credit shall be given in the case of a downward size revision.

100.06 Monthly Billings

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

- (a) The rates and charges for all users shall be prepared and billed monthly.
- (b) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but such billings shall in no way relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.
- (c) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall there-upon attach thereto. The time at which such rates or charges shall be paid is not fixed at fifteen (15) days after the date of mailing of the bill.

100.07**Study of Rates**

In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users or user classes, the Town shall cause a study to be made within a reasonable period of time following the first 12 months of operation, following the date on which this Code goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, replacements, debt service requirements and capital improvements to the waste treatment systems. Thereafter, on an annual basis, within a reasonable period of time following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town, or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances.

100.0701

Deleted

Replacement Account of the Sanitary Sewer Utility

Replacement Account of the Sanitary Sewer Utility. There is hereby established a Replacement Account into which the Clerk-Treasurer shall annually pay over \$29,793.00 from the gross receipts of the Department to be used for replacement of Structures and equipment.

100.0702

Deleted

Capital Improvement Fund of the Sanitary Sewer Utility

Capital Improvement Fund of the Sanitary Sewer Utility. There is hereby established a Capital Improvement Fund for the extensions and betterments to the system. The Clerk-Treasurer shall set over to this fund any funds in excess of the (60) Sixty-day working capital requirement in the Operating Fund for the Sewage Works.

CHAPTER 100.08 DEFINITIONS

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

"Act" or "the Act" shall mean the Federal Water Pollution Control Act, (PL-92-500) also known as the clean water Act of 1977, as amended, 33 U.S.C. 1251, et. seq. (95-217); as well as any guidelines, limitations and standards promulgated by the Environmental Protection Agency pursuant to the Act.

"Ammonia Nitrogen (referred to as NH₃-N)" shall mean the concentration, expressed as milligrams per liter (mg/l) of nitrogen, which is the form of Ammonia. Determination of Ammonia Nitrogen shall conform to approved methodology as prescribed in 40 CFR 136, laboratory procedures shall conform with the latest approved addition of Standard Methods.

"Applicable Pretreatment Standard" shall mean any pretreatment limit or prohibitive standard (federal and/or local) contained in this Code deemed to be the most restrictive which non-domestic users will be required to comply with.

"Approval Authority" shall mean the Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

"Authority" shall mean the Bremen Town Council, as designated by ordinance and/or its authorized deputy, agent, or representative.

"Average Monthly Discharge Limitation" shall mean the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

"Authorized Representative of Industrial User" shall mean an authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice president, if the Industrial User is a Corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"Beneficial Uses" shall be, but are not limited to, domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by state or federal law.

"Biochemical Oxygen Demand (or BOD)" shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees C., expressed as mg/L.

"Building Commissioner" shall mean the Building Commissioner of the Town, or authorized deputy, agent, or representative.

"Building (or House) Drain" shall mean the lowest horizontal piping of the building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation of the building.

"Building Drain (Sanitary)" shall mean a building drain which conveys sanitary or industrial sewage only.

"Building Drain (Storm)" shall mean a building drain, which conveys storm water or other clear water drainage, but no wastewater.

"Building (or house) Lateral Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Building Sewer (Sanitary)" shall mean a building sewer, which conveys sanitary or industrial sewage only.

"Building Sewer - Storm" shall mean a building sewer which conveys stormwater or other clear water drainage, but no sanitary or industrial sewage.

"Bypass" shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility.

"CBOD (denoting Carbonaceous Biochemical Oxygen Demand)" shall mean the quantity of oxygen utilized in the biochemical oxidation of carbonaceous organic matter under standard laboratory procedures in five (5) days at twenty (20) degrees C., expressed in mg/L.

"CFR" shall mean the Code of Federal Regulations.

"Categorical Standards" shall mean the National Categorical Pretreatment Standards or Pretreatment Standard.

"Chemical Oxygen Demand (or COD)" shall mean the Chemical Oxygen Demand of sewage.

"Combined Sewer" shall mean a sewer receiving both surface runoff and wastewater.

"Compatible Pollutants" shall mean the biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, and additional pollutants if the treatment plant was designed to treat such pollutants, and in fact does remove such pollutants to a "substantial degree" is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial

Examples of the additional pollutants, which may be compatible, include,

- (a) chemical oxygen demand
- (b) total organic carbon
- (c) phosphorous and phosphorous compounds
- (d) nitrogen and nitrogen compounds, and
- (e) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works.

"Composite (Proportional) Sample" shall mean a collection and combination of individual samples obtained at regular intervals, usually every one or two hours during a 24-hour time span. Individual sub-samples may be of equal volume or may be proportional to the flow at the time of sampling as required. The resulting mixture a composite sample forms a representative sample and is analyzed to determine the average conditions during the sampling period.

"Council" shall mean the Town Council of the Town of Bremen, Indiana, or any duly authorized officials acting on its behalf.

"Daily discharge" shall mean the discharge of a pollutant "measured during a calendar day or any 24-hour period that reasonably represents the calendar for purposes of sampling."

"Debt Service Cost" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.

"Department" shall mean the Town of Bremen Wastewater Treatment Plant, including the Sewer Collection System.

"Discharger, Industrial/Commercial" shall mean any nonresidential user who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and an appliance's appurtenant thereto regulated under the Act, State Law or Local Ordinance.

"Domestic Sewage" shall mean wastewater from typical residential users and having pollutant characteristics of not greater than 250 mg/L BOD and 250 mg/L suspended solids.

"Easement" shall mean an acquired legal right for the specific use of land owned by others.

"Effluent" shall mean water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.

"EPA" shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as designation for the administrator or other duly authorized official of a said agency.

"Excessive Strength Surcharge" shall mean an additional charge, which is billed, to users for treating sewage wastes with an average strength in excess of "normal domestic sewage."

"Existing Source" shall mean 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 sources if the standard is thereafter promulgated in accordance with Section 307 of the Act.

"Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presents in sanitary sewage is an indicator of pollution.

"Floatable Oil" shall mean oil, fat, or grease in a physical state, such that will separate by gravity from wastewater treatment in an approved pretreatment facility.

"Grab Sample" shall mean a sample, which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

"Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from handling, storage, or sale of produce.

"GPD" shall mean gallons per day.

"Grease and Oil" shall mean a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils or any other material that is extracted by a solvent from an acidified sample and that is not volatilized during the laboratory test procedures. Greases and oils are defined by the method of their determination in accordance with "Standard Methods."

"Grease and Oil of Animal and Vegetable Origin" shall mean meatpacking, vegetable oil and fat industries, food processors, canneries and restaurants discharge substances of biodegradable nature such as.

"Grease and Oil of Mineral Origin" shall mean substances that are less readily biodegradable than grease and oil of animal or vegetable origin; and are derived from a petroleum source. Such substances include machinery lubricating oil, gasoline station wastes, petroleum refinery wastes and storage depot wastes.

"Ground (shredded) Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the condition normally prevailing in the sewerage system, with no particle being greater than one-half (½) inch in dimension.

"Groundwater remediation Discharge" shall mean wastewater discharged to the POTW Authority's wastewater collection and treatment system for the purpose of Groundwater contamination remediation.

"Holding Tank Waste" shall mean any waste from holding tanks, such as chemical toilets, campers, trailers, septic tanks, vacuum pump trucks, etc.

"Incompatible Pollutant" shall mean any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids, and further defined in Regulation 40 CFR Part 403.

"Indirect Discharge" shall mean the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307(b)(c)&(d) of the Act, into a POTW.

"Industrial User" shall mean those industries that include all categorical, and non-categorical with an average process flow of 25,000 gallons per day (GPD) or more, non-categorical contributing 5 percent or more of the POTW's dry weather hydraulic or organic capacity, or any industrial users designated by the Control Authority to have a

reasonable potential to adversely affect the POTW's operation [40 CFR 403.3 (t)].

"Industrial Waste" shall mean the wastewater discharge from industrial, trade or business processes as distinct from sanitary sewage and any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escape from industrial manufacturing, commercial, or business process or from a development, recovery, or processing of a natural resource carried on by a person and shall further mean any waste from an industrial user.

"Industrial Waste Permit" shall mean a permit to deposit or discharge industrial waste into a sanitary sewer as issued by the POTW.

"Infiltration" shall mean the quantity of Groundwater that leaks into a pipe through joints, porous walls, or breaks. (Infiltration does not include and is distinguished from inflow).

"Inflow/Infiltration" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.

"Inflow" shall mean the water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cistern overflows, cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.

"Influent" shall mean the water, together with wastes, that flow into a drain, sewer, or outlet.

"Inspector" shall mean a person or persons duly authorized by the Town through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

"Interference" means a discharge which alone or in conjunction with a discharge or discharges from other sources; both: (1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal: and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including and increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or provisions and regulations or permits issued thereunder (or more stringent State or Local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in

"L" (Liter)

"mg" (milligram)

"mg/L" shall mean milligrams per liter.

"Major Contributor" shall mean a contributor that:

- (a) has a flow of more than twenty-five thousand (25,000) gallons per average workday;
- (b) has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Act;
- (c) has a flow greater than 5 percent of the flow carried by the municipal system receiving the waste; or
- (d) has in its waste toxic pollutants as defined pursuant to Section 307 of the Act, or State Statutes and rules, or
- (e) is found by the Town, State Control Agency or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

"Manager" shall mean the administrative head of Water, Wastewater and Streets.

"Maximum Daily Discharge Limitations" shall mean the highest allowable daily discharge.

"Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or Groundwater.

"National Categorical Pretreatment Standard" or "Categorical Pretreatment Standard" shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317), which applies to a specific category of Industrial Users.

"National Prohibitive Discharge Standard or Prohibitive Discharge Standard" shall mean any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5 and includes specific prohibitions or limits as developed by a POTW, either as a requirement of an approved POTW Pretreatment Program or an NPDES Permit.

"New Source" shall mean 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)(33 U.S.C. 1317) which will be applicable to such sources if such standards are thereafter promulgated in accordance with that Section provided that (1) the construction is a site at which no other source is located; (2) the process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; (3) the production or wastewater generating processes are substantially independent of an existing source at the same site.

"Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 200 mg/l

S.S. not more than 150 mg/l

NH₃-N not more than 14 mg/l during the winter months of November, December, January, February, March and April.

NH₃-N not more than 9.8 mg/l during the summer months of May, June, July, August, September and October.

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

"NPDES" shall mean National Pollutant Discharge Eliminations System permit program as administered by the U.S. EPA or State of Indiana pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

"Nuisance" shall mean anything, which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort and enjoyment of life or property.

"Operation and Maintenance, known as O & M" shall include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport and treatment on a continuing basis and produce discharges to receiving waters that conform with all related Federal, State and local requirements. (These costs include replacement).

"Other Service Charge" shall mean tap charges, connection charges, area charges, and other identifiable charges, other than User Charges, debt service charges and excessive strength surcharges.

"Other Wastes" shall mean decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar chemicals, and all other substances excepting sewage and industrial wastes.

"Pass Through" shall mean the discharge of pollutants by an industrial user through the POTW into navigable waters in quantities or concentration which are a cause of or significantly contribute to a violation of any requirement of the POTW's NPDES permit (including and increase the magnitude or duration of the violation) and as defined in 40 CFR 430 Part 403.3(n).

"Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, co-partnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

"pH" shall mean the negative logarithm (base10) of the hydrogen ion concentration expressed in moles per liter.

"Pollution" shall mean an alteration of the quality of the waters of the State by waste to a degree, which unreasonably affects such waters for beneficial uses or facilities, which serve such beneficial uses. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"Phosphorus or P" shall mean the concentration, expressed in milligrams per liter (mg/L) of Total Phosphorus derived through acid hydrolysis of the wastewater sample. Determination shall be conducted using the methodology prescribed in 40 CFR 136.

"Pollutant" shall mean any substance discharged in to a POTW 's, listed in this Code, or any substance which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations or Physiological manifestations as defined in standards issued pursuant to Section 307 (a) of the Act. This may include any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge,

munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, commercial, and agricultural waste or any other contaminant.

"Premises" shall mean a parcel of real estate including any single improvement thereon, which is determined by the Town to be a single user for purposes of receiving, using, and payment for service. Any additional improvement on the same parcel of real estate, which is determined by the town of, be a user shall be separately connected to the sewerage for the purpose of receiving, using, and payment for service.

"Pretreatment" shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).

"Pretreatment Requirements" shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on and industrial user.

"Pretreatment Standard or Standard" shall mean any local, state or federal regulation containing pollutant discharge limits. This term includes local limits; prohibited discharge limits including those promulgated under 40 CFR 403.5 and categorical pretreatment standards.

"Private Sewage Disposal System" shall mean any sewage disposal system not connected to a public sanitary or combined sewer and constructed for the purpose of treating residential, commercial, industrial wastes.

"Private Sewer" shall mean a sewer, which is not owned by a public authority.

"Proper Operation and Maintenance" shall mean procedures executed in a prudent, cost-effective, and workmanlike manner, which achieve the highest and/or required effluent quality of industrial discharge attainable in conformance with the best available technology and practices. Proper operation and maintenance requirements include avoidance of operation error, adherence to manual instruction, preventive maintenance, avoidance of careless or improper retention; storage of process chemicals, lubricants, solvents etc., in a safe and organized manner, avoidance of accidental spillage, keeping operating logs, and any other activities which produce the desired effluent quality.

"Publicly Owned Treatment Works or (POTW)" shall mean a treatment works as defined by Section 212 of the Act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage and industrial waste. The systems include sewers, pipes, and equipment used to convey wastewater to the treatment facility. The term also includes the municipality as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges and the discharges from such treatment works.

"Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority, including the following elements:

- A. "Collector sewer" shall mean a sewer whose primary purpose is to collect wastewater from individual point source discharges.
- B. "Interceptor sewer" shall mean a sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- C. "Force main" shall mean a pipe in which wastewater is carried under pressure.

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

"Receiving Stream" shall mean the watercourse, stream, or body of water receiving the water finally discharged from the wastewater POTW.

"Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances that are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"Sanitary Sewer" shall mean a sewer, which carries sewage, and liquid and water-borne wastes to which storm, surface, and Groundwater are not intentionally admitted.

"Severe Property Damage" shall mean substantial physical damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonable be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss cause by delays in production.

"Sewage" shall mean the combination of the liquid and water-carried wastes from residence, commercial buildings, industrial plants and institutions (including polluted cooling water). The three most common types of sewage are:

1. "Sanitary Sewage" shall mean the waste from water closets, urinals, lavatories, sinks, bathtubs, showers, basement drains, household laundries, garage floor drain, bars, soda fountains, cuspidors, refrigerator drips, drinking fountains, stable floor drains, and all other water carried waste except industrial wastes.
2. "Industrial Sewage" shall mean a combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this shall include the wastes from pretreatment facilities and polluted cooling water).
3. "Combined Sewage" shall mean wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer.

"Sewage Works" shall mean sewers, wastewater treatment plant, sewerage system, and any associated structures or equipment. Also, known as POTW.

"Sanitary Sewer" shall mean a sewer, which carries wastewater, and to which storm, surface, and ground water and unpolluted industrial wastewater are not intentionally admitted.

"Sewer" shall mean a pipe or conduit used to collect and transport sewage.

"Storm Sewer" shall mean a sewer, which carries storm, surface and ground water drainage but excludes wastewater.

"Sewerage System" shall mean the network of publicly owned sewers and appurtenances used for collection, transporting and pumping wastewater to the wastewater treatment plant.

"Sewer Use Ordinance" shall mean an Ordinance, which regulates the connection to and use of public and private sewers.

"Shall" is mandatory; "May" is permissive.

"Sludge" shall mean any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other water having similar characteristics and effects as defined in standards issued under section 402 and 405 of the Federal Act and in the applicable requirements under sections 3001, 3004 and 4004 of the Solid Waste Disposal Act PL 94-580.

"Slug" shall mean any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes, more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and shall adversely affect the sewage works.

"SIC (Standard Industrial Classification)" shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive office of the President, Office of Management and Budget, 1972.

"Significant Industrial user or SIU" shall mean:

1. Except as provided in paragraph (2), the term Significant Industrial User means: (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Sub-Chapter N; and (ii) Any other industrial user that: discharges and average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater): contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iii) is designated as such by the POTW on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's options or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).
2. Upon a finding that an industrial user meeting the criteria in paragraph (1)(ii) has not reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard of requirement, the POTW may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

“Significant Noncompliance or SNC” shall mean:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
6. Failure to accurately report noncompliance'
7. Any other violation or group of violations, which the Control Authority determines, will adversely affect the operation or implementation of the local pretreatment program.

"Standard Methods" shall mean the laboratory procedures set forth in the latest approved edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution control Federation.

"State" shall mean the State of Indiana.

"Storm Water" shall mean any flow occurring during or following any form of natural precipitation and resulting there-from.

"Superintendent" shall mean the supervisor in responsible charge of operation and maintenance of the Wastewater Treatment Plant and Sanitary Collection System.

"Surcharge" shall mean a charge for services in addition to the basic service charge.

"Total Suspended Solids (TSS)" shall mean solids which either float on the surface of or are in suspension in water, sewage, or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter (mg/L). Quantitative determination shall be made in accordance with procedures set forth in "Standard Methods".

"Total Solids" shall mean the sum of suspended and dissolved solids.

"Town" shall mean the Town of Bremen, Indiana, acting by and through its Town Council.

"Toxic Amount" shall mean concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (PL 94-217).

"Toxicant" shall mean a substance that is a known or suspected carcinogen, mutagen, or teratogen and substances present in industrial discharges with known toxic effects on human and aquatic life which is among the list of elements and compounds known as "priority pollutants" developed under the Clean Water Act.

"Toxic Pollutants" shall mean any pollutant or combination of pollutants identified as toxic pursuant to Section 307(a) of the Federal Water Pollution Control Act or other Federal Statutes or in regulations promulgated by the State under state law.

"Unpolluted Water" shall mean water of quality equal to or better than the wastewater POTW effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to sanitary sewer and wastewater treatment facilities provided.

"Upset" shall mean an exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the standards set forth in this Ordinance due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"USC" shall mean United States Code.

"USEPA" shall mean United States Environmental Protection Agency.

"User" shall mean any person who contributes, causes, or permits the contribution of wastewater into the Town's POTW.

"User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.

"User Class" shall mean the divisions of wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System). The Industrial Class shall include any user, identified in the Standard Industrial Classification Manual of 1972, Office of Management and Budget, as amended and supplemented, under the following divisions: Division A - Agriculture, Forestry and Fishing; Division B Mining; Division D - Manufacturing; Division E - Transportation, Communications, Electric, Gas and Sanitary Services; Division I - Services. The Non-Industrial Class shall include all users whose wastes are segregated domestic wastes or wastes from sanitary conveniences where regular domestic wastes are those wastes generated by normal domestic activity.

Residential User shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

Commercial User shall mean any establishment listed in the Office of Management and Budget's "Standard Industrial classification manual" (1972 Edition) involved in a commercial enterprise, business, or service which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Institutional User shall mean any establishment listed in the "SICM" involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.

Governmental User shall mean any federal, State, or Local governmental user of the wastewater treatment works.

"Volatile Organic Matter" shall mean material in the sewage solids transformed into gases or vapors when heated at 550 degrees centigrade for 15 to 20 minutes.

"Waste" shall mean sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive waste associated with human habitation, or of human or animal origin, or from any producing, processing, Manufacturing, or industrial operation of whatever nature, including such wastes placed within containers or whatever nature prior to, and purposed for disposal.

"Wastewater" shall mean the water-carried waste from residences, business buildings, institutions, and industrial establishments, singular or in any combination, together with such ground, surface, and storm waters as may be present.

"Wastewater Constituents and Characteristics" shall mean the individual chemical, physical, bacteriological, and radiological parameters, including volume, flow rate, and such other parameters that serve to define, classify, or measure the contents, quality, quantity, and strength of wastewater.

"Wastewater Treatment Plant" shall mean any arrangement of devices and structures used for treating "Wastewater".

"Wastewater Treatment System" shall mean all facilities for collecting, pumping, treating and disposing of wastewater.

"Watercourse" shall mean a channel in which a flow of water occurs, either continuously or intermittently.

"Waters of the State" shall mean:

1. Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey, or dispose of sanitary sewage; and
2. The flood plain free-flowing waters determined by the Department of Natural Resources on the basis of 100-year flood frequency.
3. Any other water specified by State Law.

"Abbreviations"

The following abbreviations shall have the designated meanings.

BOD - Biochemical Oxygen Demand.

CFR - Code of Federal Regulations.

CBOD - Carbonaceous Biochemical Oxygen Demand.

COD - Chemical Oxygen Demand.

EPA - Environmental Protection Agency.

L - Liter.

mg - Milligrams.

mg/L - Milligrams per liter.

NH₃-N - Ammonia Nitrogen

NPDES - National Pollutant Discharge Elimination System.

P - Phosphorous

POTW - Publicly Owned Treatment Works.

SIC - Standard Industrial Classification.

SIU - Significant Industrial User

SNC - Significant Noncompliance

SS - Suspended Solids

SWDA - Solid Waste Disposal Act. 42 U.S.C. 6901, Et. Seq.

TSS - Total Suspended Solids.

USC - United States Code.

USEPA - United States Environmental Protection Agency

WPCF - Water Pollution Control Federation.

ASTM - American Society for Testing Materials.

O & M - Operation and Maintenance.

40 CFR 403 - General Pretreatment Regulation as published in the Federal Register on June 26, 1978 and on January 28, 1981 and in subsequent amendments thereto.

ISBH - Indiana State Board of Health

RCRA - Resource Conservation and Recovery Act (PL 92-580).

100.20

Revenue Fund

All revenues derived from the operation of the sewage works and from the collection of sewer rates and charges shall be deposited in the Sewage Works Revenue Fund (the "Revenue Fund"), hereby continued, and segregated and deposited as set forth in this ordinance. Of these revenues the proper and reasonable expenses of operation, repair and maintenance of the works shall be paid, the principal and interest of all bonds and fiscal agency charges of registrars or paying agents shall be paid, the reserve shall be funded and maintained, and the costs of replacements, extensions, additions and improvements shall be paid.

100.21

Operation and Maintenance Fund

There is hereby created a fund known as the Operation and Maintenance Fund (the "O & M Fund"). There shall be credited on the last day of each calendar month a sufficient amount of the revenues of the sewage works so that the balance in the O & M Fund shall be sufficient to pay the expenses of operation, repair and maintenance for the then next succeeding two calendar months. The moneys credited to the O & M Fund shall be used for the payment of the reasonable and proper operation, repair and maintenance expenses of the sewage works on a day-to-day basis. Any moneys in said O & M Fund may be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal of or interest on the outstanding bonds of the sewage works.

100.22

Sewage Works Sinking Fund

- (a) There is hereby created a fund for the payment of the principal of and interest on revenue bonds which by their terms are payable from the Net Revenues of the sewage works, and the payment of any fiscal agency charges in connection with the payment of the bonds and interest, which fund shall be designated the Sewage Works Sinking Fund (the "Sinking Fund"). There shall be set aside and deposited in said Sinking Fund, as available, and as hereinafter provided, a sufficient amount of the Net Revenues of said sewage works to meet the requirements of the Bond and Interest account and of the Reserve Account hereinafter provided, a sufficient amount of the Net Revenues of said sewage works to meet the requirements of the Bond and Interest account and of the Reserve Account hereby created in said Sinking Fund. Such payments shall continue until the balance in the Bond and Interest Account, plus the balance in the Reserve Account hereinafter described, equals the principal of and interest on all of the then outstanding bonds of the sewage works to their maturity.
- (b) Bond and Interest Account. The Bond and Interest Account is hereby created. There shall be transferred, on the last day of each calendar month, from the Revenue Fund and credited to the Bond and Interest Account an amount of the Net Revenues equal to (i) at least one-sixth (1/6) of the interest on all the then outstanding bonds payable on the then next

succeeding interest payment date and (ii) at least one-twelfth (1/12) of the principal payable on the then outstanding bonds which will be payable on the then next succeeding principal payment date, until the amount of interest and principal payable on the then succeeding interest and principal payment date shall have been so credited. There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on the bonds as the same become payable. The Town shall, from the sums deposited in the Sinking Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the principal and interest on the due dates thereof together with the amount of bank fiscal agency charges.

- (c) Reserve Account. The Reserve Account is hereby created. On the date of delivery of the Bonds, Bond proceeds, funds on hand, or a combination thereof may be deposited into the reserve account. The initial deposit or the balance accumulated in the Reserve Account shall equal be not exceed the least of (i) the maximum annual debt service on the Bonds, (ii) 125% of average annual debt service on the Bonds, or (iii) 10% of the proceeds of the Bonds (the "Reserve Requirements"). If the initial deposit into the Reserve Account does not equal the Reserve Requirement or if no deposit is made, an amount of Net Revenues shall be credited to the Reserve Account on the last day of each calendar month until the balance therein equals the Reserve Requirement. The monthly deposits shall be equal in amount and sufficient so that the balance in the Reserve Account shall equal the Reserve Requirement within five (5) years from the date of delivery of the Bonds.

The Reserve Account shall constitute the margin for safety as protection against default in the payment of principal of an interest on the Bonds, and the moneys in the Reserve Account shall be used to pay current principal and interest on the Bonds to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in the balance maintained in the Reserve Account shall be promptly made up from the next available Net Revenues remaining after credits into the Bond and Interest Account. In the event moneys in the Reserve Account are transferred to the Bond and Interest Account to pay principal and interest on Bonds, then such depletion of the balance in the Reserve Account shall be made up from the next available Net Revenues after the credits into the Bond and Interest Account. Any moneys in the Reserve Account in excess of the Reserve Requirement shall be transferred to the Sewage Works Improvement Fund.

100.23 Sewage Works Improvement Fund

After meeting the requirements of the Operation and Maintenance Fund, and the Sinking Fund, any excess revenues may be transferred or credited to a fund designated the "Sewage Works Improvement Fund," and said Fund shall be used for improvements, replacements, additions and extensions of the sewage works or for any other lawful purpose. Moneys in the Sewage Works Improvement Fund shall be transferred to the Sinking Fund if necessary to prevent a default in the payment of principal and interest on the then outstanding bonds or, if necessary, to eliminate any deficiencies in credits to or minimum balance in the Reserve Account of the Sinking Fund or may be transferred to the O & M Fund to meet unforeseen contingencies in

the operation, repair and maintenance of the sewage works.

101.00 GENERAL PROVISIONS, Purpose and Policy

- A.** The following chapters of the Municipal Code of the Town of Bremen, Indiana set forth uniform requirements for direct and indirect discharges into the Publicly Owned Treatment Works (POTW), Authority's wastewater collection and treatment systems, and enables the City to improve the opportunity to recycle and reclaim wastewater and sludge from the system to protect public health in conformity with all applicable local, State and Federal laws relating thereto and the General Pretreatment Regulations (40 CFR, Part 403).
- B.** Accordingly, the Wastewater Treatment Plant Superintendent shall have the right to reject and eliminate any Industrial or Commercial Discharge which would:
 - 1. Introduce pollutants into the Town's POTW's, wastewater collection system which may damage said system and its structures, interfere with wastewater flows or which may cause danger to the health of or jeopardize the safety of those who must maintain said system.
 - 2. Introduce pollutants into the Town's POTW's which interfere with the operation of the POTW treatment processes, inhibit or upset its biological processes, overload its treatment system, contaminate the POTW sewage sludge and, therefore, jeopardize or diminishes its capability of being recycled or be otherwise incompatible with the system.
 - 3. Introduce pollutants, which would pass through the POTW into the receiving stream and which would in fact contribute to the pollution of said stream or cause the POTW to violate its NPDES Discharge Permit.
- C.** This Code provides for the regulation of discharges into the wastewater system through the issuance of permits.
- D.** This Code provides for the recovery of operations, maintenance and replacement costs of the POTW, the costs associated with the construction of collection and treatment systems used by Industrial Dischargers, in proportion to their use of the POTW and the assessment of fines and penalties for abuses or violations of the Code.

CHAPTER 101 USE OF PUBLIC SEWERS REQUIRED

101.01 Prohibition of Unlawful Disposal

It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Town of Bremen, or in any area under the jurisdiction of said Town, any human or animal excrement, garbage, wastewater, or other objectionable waste(s) except where suitable treatment has been provided.

101.02 Disposal Boundaries

It shall be unlawful to discharge to any natural outlet within the Town of Bremen, or in any area under the jurisdiction of said Town, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of the Code.

101.03 Forbidden Sewage Facilities

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

101.04 Required Waste Facilities and Sewer Connections

The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purpose, situated within the Town abutting on any street, alley or right-of-way is hereby required at the owner's expense, to install suitable toilet facilities therein which conform to Town codes, and to connect such facilities directly with the proper sewer in accordance with the provisions of the Code, within ninety (90) days after the date of the official notice from the Town of Bremen to do so, provided that said public sewer is within three hundred feet (300') of the property line

The owner of any house, building, or other property for any purpose which contains basement drains connected to any sewers, or any other sewer connection, shall have installed on said basement drains appropriate plugs which may be firmly fastened by screw threads or other appropriate means to prevent the backup from any such sewer into said basement; in the alternative such drains shall be equipped with check valves which are sufficient to prevent the back up of any waters from said sewer into said basement.

101.05 Hauled Liquid Waste

Generators and/or haulers of non-hazardous liquid waste may be allowed to discharge on a discretionary basis with the approval of the Superintendent. An approved permit must be obtained and payment made prior to dumping. Fees can be found in Paragraph 102.35, of the Code. A listing of all wastes and source information must be submitted with each application or permission will NOT be granted.

PRIVATE SEWAGE DISPOSAL

101.06 Private Connection Requirements

Where a public sanitary sewer is not available under the provisions of Paragraph 101.04, the building sewer shall be connected to a private sewage disposal system

complying with the provisions of this Chapter.

101.07 Building Sewer Connection Permit

It shall be unlawful to commence construction of any Building Sewer, Private Sewer System, or Sewer connection without first obtaining a Construction Permit from the Town of Bremen. Any individual, business or industry desiring to make a connection to a sewer shall complete and file with the Town of Bremen, a permit application on a form provided or approved by the Town. The application shall be filed at least five (5) working days prior to desired date of connection. Additional permits may be necessary, including, but not limited to, a Permit to Excavate in a Street or Public Right-of-Way, Industrial Pretreatment, or Indiana Department of Transportation. All applicable permits shall be obtained from the appropriate department or agency prior to commencing any construction.

101.08 Private Sewage Disposal System Permit Procurement

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town Inspector or Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee shall be paid to the Town of Bremen at the time the application is filed, this fee can be found in Paragraph 102.35, of the Code. A construction permit must also be obtained from the Indiana Department of Environmental Management (IDEM) for all wastewater treatment systems with exception of subsurface absorption systems for the disposal of sanitary waste. In addition, a National Pollutant Discharge Elimination System Permit (NPDES) must be obtained from the IDEM for any discharge of a point source to navigable waters (all waters of the United States).

101.09 Construction Inspection

A Permit for a Private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town Inspector, who shall be allowed to inspect the work at any stage of construction. In any event, the applicant for the permit shall notify the Superintendent or Manager (Inspector) when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within one (1) business day of the receipt of notice.

101.10 Construction Compliance

The type, capacity, location, and layout of a private sewage disposal system shall comply with all recommendations of the Indiana Department of Environmental Management, Indiana State Board of Health, Marshall County Health Department and all Ordinances of the Town of Bremen, Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

101.11 Governing Authority

No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Indiana Department of Environmental Management, Indiana State Board of Health or Marshall County Health Department

101.12 Maintenance Responsibility

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

101.13 Subsequent Sewer Availability

At such time as a public sewer becomes available to a property serviced by a private sewage disposal system, as provided in Paragraph 101.06, a direct connection shall be made to the public sewer in compliance with this Code within sixty (60) days of the date on the notice. All private treatment facilities including but not limited to septic tanks, cesspools, and similar private subsurface soil absorption sewage disposal facilities shall be abandoned, pumped out and filled with suitable approved material.

BUILDING SEWERS, PRIVATE SYSTEMS AND CONNECTIONS

101.14 Permit Requirement

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Clerk-Treasurer. There shall be two (2) classes of building sewer permits:

- 1) for residential and commercial service
- 2) for services producing industrial wastes.

A completed permit application must be returned to the Clerk-Treasurer and approved by the Superintendent or Manager (inspector) before commencing with construction. Permit costs can be found in Paragraph 102.35 of the Code.

101.15 Permit Application

The owner or his agent shall make application on forms furnished by the Town of Bremen. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Superintendent or Manager (inspector). The Town shall obtain the approval of the Superintendent or Manager (inspector) prior to issuing any commercial or industrial sewer permits.

101.16 Financial Responsibility

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

101.17 Separate Building Sewer Provision

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

101.18 Old Building Sewer Use

Old building sewer may be used in connection with new buildings only when they are found, on examination by Superintendent or Manager (Inspector) to be in good condition. If a Sewer is found to be questionable in the judgment of the Superintendent or Manager (Inspector), the owner may hire a licensed Plumber to check the sewer line to determine the condition of the old sewer. If the sewer is useable, a written inspection report from the Plumber shall be submitted to the Town before a new sewer connection is made. All charges billed by the licensed plumber shall be the responsibility of the property owner.

101.19 Sewer Materials

The building sewer beginning two feet (2') from any building or structure shall be of such materials as approved by the Town of Bremen in their sewer installation specification. Any part of a building sewer located within ten feet (10') of a water service pipe shall be constructed of ductile iron pipe within that limiting distance. Ductile iron pipe may be required by the Superintendent or Manager (Inspector), where the building sewer is exposed to damage by tree roots or being installed over fill or in unstable ground.

101.20 Sewer Size and Slope

The size and slope of the building sewer shall be subject to the approval of the town inspector, but in no event shall the pipe be less than four inches 4"0 in diameter for Residential and 6" for Commercial and Industrial. The slope of such pipe(s) shall be no less than one-eighth inch (1/8") per foot. Deviation from this requirement must have approval of the Superintendent and or Manager (Inspector). Plans and specifications must be submitted for approval for sewers larger than 6" prior to being constructed.

101.21 Sewer Placement

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet (3') of any bearing wall. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with proper pipefittings. All buildings in which any building drain is too low to permit gravity flow to the public sewer; sanitary sewage carried by the drain shall be lifted by approved artificial means and discharged into the building sewer. All costs for installation, operation and maintenance shall be the responsibility of the owner.

101.22 Sewer Construction Methods and Testing Requirements

All construction methods shall be in accordance with the latest edition of the Bremen Town Code and Town Sewer Installation Specifications. An Infiltration/Exfiltration test, signed and sealed by a licensed Professional Engineer, may be required on all sewers, including building sewers, if ordered by the Superintendent or Manager (Inspector). The Town shall be notified at least one business day in advance of any testing, in order to be able to witness the tests. The maximum allowable infiltration rate is one hundred (100) gallons per inch diameter per mile of sewer per day, prorated to the length of the building sewer. In the event any manholes, or other structures are installed, they too shall be tested, with a maximum allowable infiltration rate of one tenth (0.1) gallon per hour per foot of diameter per foot of head. If ordered, all cost shall be borne by the Owner.

101.2201 Sewer Excavations

All excavations required for the installation of a building sewer shall be open trench work

unless otherwise approved by the Superintendent or Manager (Inspector). Pipe laying and backfill shall be performed in accordance with Town of Bremen specifications or any applicable ASTM specification, except that no backfill shall be placed until the work has been inspected. All work shall be in compliance with all applicable State and Federal laws and regulations.

101.23 Sewer Joints and Connections

All joints and connections shall be made utilizing methods and material approved in the Town of Bremen Sewer Installation specification. All such connections shall be made gas tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent or Manager (Inspector) before installation.

101.24 Location of Sewer Connection

The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If a "Y" branch is not available, the owner shall, at the owner's expense, install a sewer connection saddle as specified by the Town of Bremen Sewer Installation Specifications and approved by the Town Inspector. The invert of the building sewer at the point of connection shall be made in the top one quarter of the public sewer. Care is to be taken when cutting a hole into the public sewer so as not to crack the main sewer tile. Should a main tile be damaged during this process, the Superintendent or Manager (Inspector) shall determine the method of repair.

101.25 Notification for Testing and Inspection

The applicant for the building sewer permit shall notify the Town Superintendent or Manager (Inspector) when the building sewer is ready for inspection and connection to the public sewer. The connection to the main sewer shall be made under the supervision of the Town Superintendent or Manager (Inspector) or authorized representative.

101.26 Excavation of Public Property

All excavations for building sewer installation shall be adequately protected with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent or Manager (Inspector). No work within the public right-of-way shall be done prior to obtaining an approved Right-of Way Cut Permit, application can be obtained at the Clerk-Treasurer's Office, the completed application along with proof of insurance and a \$ 2,000.00 bond shall be returned to the Clerk-Treasurer for consideration and approval by the Superintendent or Manager (Inspector).

101.28 Record Drawings

All sewers installed shall be accurately and carefully noted as to the location, type of materials, size, length, elevation and other pertinent information including details of structures. This information shall be submitted to the Superintendent or Manager (Inspector) in accordance with the Town of Bremen Engineering Standards.

101.29 Sewer Construction and Prohibited Connections

- A.** The introduction of inflow sources to any sanitary sewer is prohibited.
- B.** Construction of new combined sewers is prohibited. New construction tributary to the combined sewer shall be designed to minimize or delay the admission of unpolluted water to the existing combined sewer.
- C.** For any new building, the inflow/clear water connection to a combined sewer shall be prohibited.

101.30 Cleanouts

- A.** Cleanouts equal in size to building sewer shall be required at the following locations:
 - 1. At outside junction of building drain and building sewer.
 - 2. Change of direction greater than 45 degrees.
 - 3. At locations not more than 100 lineal feet intervals.
- B.** The cleanout shall be installed to open in the direction of the flow of drainage pipe or at a right angle thereto.
- C.** Each cleanout shall be adjusted flush with finish grade and sealed with a suitable cap or plug.

101.31 Unpolluted Discharge

- A.** Storm water and all other unpolluted drainage shall be discharged to sewers designated as storm sewers or a natural outlet. Industrial or domestic cooling water or unpolluted industrial or domestic process wastes may be discharged, upon approval of the Superintendent or Manager (Inspector). All discharges to storm sewers or to natural outlets shall be in accordance with the NPDES permit program.
- B.** Unpolluted water from air conditioners, cooling, condensing systems, or swimming pools shall be discharged to a storm sewer where it is available. Where storm sewer is not available, discharge may be to a natural outlet approved by the Town Superintendent, Manager (Inspector) and by the State of Indiana.
- C.** Industrial cooling water, which may be polluted with insoluble oils, grease or suspended solids, shall be pre-treated for removal of pollutants and the resultant clear water shall be discharged in accordance with Subsection A, above.
- D.** No person shall make connection of roof down spouts, basement drains, sump pumps carrying ground water, exterior foundation drains, areaway drains for other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- E.** Any new construction tributary to an existing combined sewer shall be designed to minimize or delay the admission of unpolluted water to the existing combined sewer. All new residential, commercial, or industrial connections to a combined sanitary sewer must provide, on site, handling of all inflow/clear water. If this is not possible, after receiving permission from the Town, separate inflow/clear water and sanitary connections to the combined sewer is required to facilitate disconnection of the clear water should a storm sewer become available. At such time, reconnecting of the inflow/clear water line to the storm sewer is mandatory.

101.32 Governing Standards

The National Categorical Pretreatment Standards, Located in 40 CFR Chapter I, Sub-Chapter N, Parts 405-471, are hereby adopted and incorporated by reference into this

Code and Include amendments to those standards that occur hereafter as the same are published in the CFR with effective dates as fixed therein. All Dischargers shall meet state and local requirements and limitations on discharges when such requirements and limitations are more stringent than federal requirements and limitations.

101.33 Wastewater Discharge Limitations

Except as hereinafter provided, no person shall discharge or cause to be discharged directly or indirectly any of the following described waters or wastes to any public sewer at any time:

- A.** Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade or 104 degrees Fahrenheit or any liquid or vapor discharged into the sewer system having a temperature higher than one hundred fifty (150 degrees F) (65 degree C).
- B.** Any waters or wastes which may contain more than 100 mg/L fat, oil, or grease derived from a mineral or petroleum source as determined by test procedures approved by the EPA and the Control Authority or the discharge of any such materials derived from any source which will cause interference, pass through, or excessive accumulations of the same in any part of the POTW.
- C.** Gasoline, benzene, naphtha, fuel oil, or other combustible, flammable, or explosive liquid, solid or gas of whatsoever kind of nature having a closed cup flashpoint of less than 140 Degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- D.** Any garbage that has not been properly shredded.
- E.** Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, dough, wood, paunch manure, garbage, or any other solid or viscous substance with particles greater than one-half inch (½") in any dimension or any material which can be disposed of as trash or is capable of causing obstruction to the flow in sewers or other interference with the proper operation of the POTW.
- F.** Any waters or wastes having a pH lower than 6.0 or higher than 10.0 or having any other corrosive properties capable of causing damage or hazard to sewers, structures, equipment or personnel of the POTW.
- G.** Any pollutant, including oxygen-demanding pollutants (BOD, etc.) Released in a discharge at a flow rate and/or pollutant concentration, which will cause interference with the POTW, impair a wastewater treatment process, or that would create any hazard in the receiving waters of the POTW, any substance which may cause the POTW's effluent to fail a toxicity test.
- H.** All waters or wastes containing BOD in concentrations greater than **200** mg/L, total suspended solids in concentration greater than **150** mg/L or ammonia-nitrogen in concentrations greater than **7** mg/L on a 24 hour composite

sample basis, (or grab sample where appropriate) shall be subject to a surcharge costs as shown in Paragraphs 100.04 and 102.35 of the Code.

I. Any Noxious, malodorous or toxic gas or substance capable of creating a public nuisance. Any substance, which can cause acute or chronic worker health and safety problems, a hazard to human life, prevents entry into the sewers or POTW for maintenance or repairs or creates a public nuisance.

J. Any water or wastes containing metallic ions, or other toxic ions as determined and established from time to time by the Superintendent and adopted by the Bremen Town Council. Chemical constituents shall not exceed the following concentrations for grab or composite samples:

<u>Parameter</u>	<u>Max. Daily Concentration / Sample Type</u>		
Cadmium, Total	1.0	mg/L	composite
Chromium, Total Hexavalent Plus, Total Trivalent	3.0	mg/L	composite
Chromium, Hexavalent	1.0	mg/L	composite
Copper, Total	1.0	mg/L	composite
Cyanide, Total by distillation	1.2	mg/L	composite
Lead, Total	0.4	mg/L	composite
Mercury, Total	0.001	mg/L	composite
Nickel, Total	2.4	mg/L	composite
Silver, Total	0.24	mg/L	composite
Zinc, Total	1.5	mg/L	composite
Total Toxic Organics (TTO)			
Volatile, Acid Extractable,	(1-day max)	2.13	mg/L
Base-Neutral Extractable,			grab
Pesticides/PCB's			
pH	6.0 - 10.0		grab
Phenols, Total	1.0	mg/L	composite
Oil & Grease (animal or vegetable origin)	200	mg/L	grab
Oil & Grease (mineral or petroleum origin)	100	mg/L	grab

K. Any water or wastes containing concentrated acid metallic pickling wastes or plating solution.

L. Any toxic radioactive wastes or isotopes of such half-life or concentration, which may exceed limits, set by applicable State and Federal regulations.

M. Any waters or wastes containing TSS, Phosphorus, Ammonia-nitrogen, or BOD of such character and quantity that unusual operation, maintenance, supervision, attention and expenses would be required to handle such material by the POTW without prior approval of the Authority.

N. Any residuals defined as a Hazardous Waste under 40 CFR 261.

O. Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks and vegetable tanning solutions.

P. Any PCB's, unless generated by a controlled waste manufacturing process

as defined in 40 CFR 761.3 (kk), in which case the limit shall be 0.1 mg/L.

Q. Surface Active Agents (Surfactants) in concentrations which cause operational problems with the POTW or which pass through the POTW and cause nuisance foaming in the receiving stream.

R. Any trucked or hauled pollutants, except at discharge points designated by the POTW. Discharge is subject to costs shown in Paragraph 102.35 of the Code.

S. All waters containing substances, which are not amenable to treatment or reduction by the sewage treatment process, employed, or cause treatment plant effluent to exceed requirements established by other agencies.

T. Any substance, which may cause the POTW's effluent residual, sludge, and scum to be unsuitable for reclamation, reuse or interfere with the reclamation process.

U. Any waters containing Phenols or other taste or odor producing substances, in such concentrations exceeding limits that have been or may be established by the Superintendent.

101.34 Grease, Oil and Sand Interceptors

Grease, oil and sand interceptors or retainers shall be installed by the user at the user's expense when, in the opinion of the Building Commissioner, Superintendent or Manager (Inspector) such are necessary for the proper handling of liquid wastes containing grease, oils or sand in excessive amounts, or any inflammable wastes, or other such harmful ingredients. Such interceptors shall be of a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning by the user and for inspection by the Authority. Where installed, all grease, oil and sand interceptors shall be maintained by the user, at his own expense, and shall be kept in continuous and efficient operation at all times.

101.35 Pretreatment Requirements

In the event that a user is exceeding the limitations as set forth in Paragraph 101.33 of the Code, the Superintendent shall direct the user causing the discharge of any such materials to, at his own expense, construct, install, and operate such pretreatment facilities as may be required in order to reduce the waste constituents which are in violation of the Code to the limits set forth by this Code or to cease and desist from those activities or operations which cause a violation of established discharge standards. The Superintendent may use a grab sample(s) to determine noncompliance with pretreatment standards.

101.36 Approval of Treatment Facilities

No pretreatment facility shall be constructed or operated unless all plans, specifications, technical operating data, and other information pertinent to its proposed operation and maintenance conform to all Municipal, U.S. Environmental Protection Agency, Indiana Department of Environmental Management and any other local, State or Federal Agency regulations, and unless written approval of the plans, specifications, technical operating data, and sludge disposal has been obtained from the Indiana Department of

Environmental Management, and any other local, State, Federal agency having regulatory authority with respect thereto. Detailed plans showing the pretreatment facilities, operating procedures and documentation of compliance must be provided to the Authority and must meet the approval of the POTW Authority before construction of the facility. Pretreatment equipment may not be installed or modified without a valid construction permit issued by the Indiana Department of Environmental Management. The review and approval of plans and operating procedures does not relieve the industrial user from complying with the provision of the Code and permit conditions. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and approved by the POTW Authority prior to the industrial user's initiation of the changes.

101.37 Required Treatment Facilities Maintenance

All such pretreatment facilities as required by this Code shall be maintained continuously in satisfactory and effective operating condition by the user or person operating and maintaining the facility served thereby, and at the user's expense.

101.38 Superintendent's Authority

The Superintendent is vested with the authority to deny admission to the system any waste considered to be harmful. In addition to the initiation of permit revocation or of litigation proceedings, the Superintendent may choose to exercise this authority in the form of a Water Shut-off and/or the installation of sewer plugs, if a certain wastewater discharge (industrial) presents an immediate danger to the health or welfare of persons or a danger to the environment, threatens to interfere with the operation of the POTW, or violates any pretreatment limits imposed by this Code or any Wastewater Discharge Permit issued pursuant to this Code.

101.39 Town's Right to Amend

The Town reserves the right to amend this Code to provide for changes in the limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in the General Provisions Section, except as provided in Paragraph 101.32 of the Code.

101.40 Prohibition of Diluted Discharge

No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Code. The Authority 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.

101.41 Responsibility for Hazardous and Accidental Spills

A. Accidental Spill Prevention Plan (ASPP)

Each Discharger shall develop an Accidental Spill Prevention Plan (ASPP) designed to protect the POTW from an accidental discharge of hazardous or toxic material or materials prohibited or regulated by this Code. Where necessary, facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the Discharger's cost and expense. A detailed ASPP, showing facilities and operating procedures to provide this protection shall be submitted to the POTW for review, and shall be approved by the Authority before construction of the facility. Each existing Discharger shall complete his ASPP and submit same to the Authority within the time specified by the

Control Authority. No Discharger who discharges to the POTW after the specified date shall be permitted to introduce pollutants into the system until an ASPP has been approved by the Authority. Review and approval of such plans and operating procedures by the Authority shall not relieve the Discharger of the responsibility to modify its facility as necessary to meet the requirements of the Code or of the responsibility to comply with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

B. Employee Training

The industrial user shall permanently post a notice in a prominent place advising all employees to call (546-3829, 546-4324 or 546-3456) immediately in the event of a dangerous discharge for which notification is required. Employers shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

C. Notification

Dischargers shall notify the Superintendent immediately by telephone of the occurrence of a "slug load", or accidental discharge of substances prohibited by this Code. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Within 7 days following the discharge the user shall submit a written report describing the cause of the discharge and the measures that will be taken by the user to prevent similar future discharges. Any Discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the Town on account thereof under State or Federal Law and any fines, civil penalties or other liability.

D. Spill Prevention Plans and Slug Load Evaluation

The POTW shall evaluate each significant industrial user at least once every two years, and other industrial users as necessary, to determine whether such user needs a plan to control slug discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Paragraph 101.33 of the Code with procedures for follow-up written notification within seven days.
4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

101.42 Control of Acceptable Wastes

A. Submission of Data on Industrial Wastes

Any person (Discharger) who discharges industrial wastes into the Town's wastewater treatment system, either directly or indirectly, shall, within 30 days of a written request of the Superintendent, fill out and file with the Town an Industrial Waste Questionnaire to be furnished by the Town, in which he shall set out the quantity and characteristics of the wastes discharged into the Town wastewater treatment system. Each discharger requested to file an Industrial Waste Questionnaire shall be financially responsible for the sampling and analyses which may be required to determine the characteristics of their discharge. Similarly, any person desiring to establish a new connection to the public sewer for the purpose of discharging industrial wastes shall be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged. When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time scheduled cited in this Code an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Superintendent upon presentation of proper written application.

B. Control Manholes

Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes at a specified location or location to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the Standards and specifications of the Town. The Superintendent may also require the person to install and maintain in any such manhole at said person's expense, an approved volume-measuring device. The Authority must approve plans for the installation of control manhole and related equipment before construction begins.

C. Waste Sampling and or Sampling Equipment

Any industrial wastes discharged into the public sewers shall be subject to sampling and determination of characteristics. The sampling and analysis shall be made as often as the Superintendent deems necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. The Superintendent must approve the sampling location(s). National Categorical Pretreatment standards are required to be met at the point of discharge from the industrial pretreatment system prior to mixing with any other waste stream. Except as indicated, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, 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. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

D. Waste Analysis

Laboratory procedures used in the examination of industrial wastewater shall be those set forth in 40 CFR 136 "Guidelines Establishing Test Procedures for the analysis of Pollutants" or amendments thereto or, if 40 CFR part 136 does not contain sampling analytical techniques for the pollutant in questions, then in accordance with procedures approved by the EPA. The POTW may make the initial analysis and perform periodic check analysis of the customer's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the POTW at the request of the discharger shall be charged to the customer according to the POTW's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

E. Use of Representative Analyses

Until an adequate analysis of a representative sample of customer's wastes has been obtained, the Town may, for the purpose of the Code, make a determination of character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the industry-recognized authoritative sources. This method, if selected by the Town, shall continue at the Town's pleasure or until an adequate analysis has been made.

101.43 Special Agreement

No statement contained in this chapter shall be construed as prohibiting any special agreement or arrangement between the POTW and any person whereby an industrial waste of unusual strength or character may be accepted by the POTW for treatment whether with or without pretreatment, provided that such agreement does not violate National Categorical Pretreatment Standards for the specific category of Industrial User, provided that there is not impairment of the functioning of the Sewage Works by reason of the admission of such wastes and provided that no extra costs are incurred by the POTW without recompense by the person.

CHAPTER 102 ADMINISTRATION OF INDUSTRIAL WASTEWATER PERMIT PROGRAM

102.00 Refer to Chapter 101.00, General Provision, Purpose and Policy

102.01 Wastewater Dischargers

It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the Authority without first obtaining the proper permits from the Town of Bremen.

102.02 Wastewater Discharge Permits

A. General Permits

All Dischargers deemed by the Control Authority to be Significant Industrial Users (SIU) or which discharge any waste characteristic limited by Paragraph 101.33 of the Code shall obtain a Wastewater Discharge Permit before connecting to or discharging to the POTW. The Superintendent may permit Wastewater flow resulting from ground water Remediation Discharges into the POTW Authority wastewater collection and treatment system with approval by the Superintendent and Town Council. Ground water remediation discharges shall be subject to all applicable requirements of the Code and shall be subject to all applicable sewer rates and charges found in Paragraph 100.02 (b) and 102.35 of the Code.

B. Permit Application

Industrial Wastewater Dischargers shall complete and file with the Authority, a permit application in the form prescribed by the Authority. Existing Industrial/Commercial Dischargers shall apply for a Wastewater Discharge Permit within thirty 30 days after being requested to do so by the Authority. Proposed new Dischargers shall apply at least (90) ninety days prior to connecting to the POTW. (The Authority will evaluate the complete application and data furnished by the Discharger and may require additional information. Within thirty (30) days after full evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to terms and conditions provided herein). No discharge permit shall be issued unless and until the following conditions have been met:

1. Disclosure of name, address, and location of the Discharger;
2. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification manual, Bureau of the Budget, 1972, as amended and the applicable National Categorical Pretreatment Standard;
3. Disclosure of wastewater constituents and characteristics including, but not limited to, priority pollutants, and to those mentioned in this Code as determined by categorical pretreatment standards as they apply to the Discharger and pollutants requested by the Authority. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR 136, as amended;
4. Disclosure of time, duration and volume of each specific discharge at each specific discharge point.

5. Disclosure of average daily and instantaneous peak wastewater flow rates in gallons per day, including daily, monthly and seasonal variations, if any. All flow shall be measured unless the Authority due approves other verifiable techniques to cost of non-feasibility.
6. Disclosure of site plans, mechanical and/or plumbing plans to show all connections of pollutant generating processes, inspection manholes, sampling chambers and appurtenances by size, location and elevation, including measuring and sampling equipment
7. Description of activities, facilities and plant processes on the premises including all material stored above and below ground which are or may be discharged to the sewer or works of the Authority.
8. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Code in the discharge, together with a statement regarding whether or not compliance is being achieved with this Code on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the Discharger to comply with this;
9. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Code, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities;
 - a. The schedule shall contain milestone dates for the commencement and completion of major events leading to construction and operation of additional pretreatment required for the Discharger to comply with the requirements of the Code including, but not limited to, dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Code. No increment referred to in this paragraph shall exceed 9 months
 - b. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the Authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if, not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Discharger to return the construction to the approved schedule. In no event shall more than 9 months elapse between such progress reports to the Authority.

10. The Discharger will also provide a Certified Operator to run the pretreatment system. The operator must hold Wastewater Treatment Plant Operation Certification, issued by the Indiana Department of Environmental Management, that is required for that pretreatment system;
11. Disclosure of each product produced by type, amount, process or processes and rate of production;
12. Disclosure of the type and amount of raw materials utilized (average and maximum per day);
13. All permit applications for new or modified permit shall be signed by a principal executive officer of the Discharger and certified by a qualified professional acceptable to the Superintendent. All renewal applications for existing permits shall be signed by a principal executive officer of the Discharger. All permit applications shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violation."
14. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system:
15. List of any environmental control permits held by or for the facility; and
16. Any other information as may be deemed by the Town to be necessary to evaluate the permit application.

102.03 Permit Modifications

The Authority reserves the right to amend any Wastewater Discharge Permit issued hereunder in order to assure compliance by the Authority with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater discharge Permit of each Discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. The Authority as part of the Code except shall adopt all National Categorical Pretreatment Standards adopted after the promulgation of the Code as noted in Paragraph 101.32, of the Code. Where a Discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Paragraph 102.03, of the Code, the Discharger shall apply for a Wastewater Discharge Permit from the Authority within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, the Discharger with an existing Wastewater Discharge Permit shall submit to the Authority within one

hundred eighty (180) days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by Paragraph 102.02, of the Code. Any changes or new conditions in the new permit shall include a reasonable time schedule for compliance. All Dischargers of the regulated industrial categories, as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act, shall meet national Categorical Pretreatment Standards. New Source categorical dischargers must submit a Baseline Monitoring Report (BMR), on a form provided by the Authority, at least (90) ninety days prior to commencement of discharge. New sources must meet all applicable Pretreatment Standards. An application for modification of the National Categorical Pretreatment Standards may be considered for submittal to the regional Administrator by the Authority, when the Authority's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR 403.7

102.04 Permit Conditions

Wastewater Discharge Permits shall specify no less than the following:

- A. Fees and charges to be paid when applying for a permit issuance;
- B. Limits on average and maximum wastewater constituent and characteristics regulated thereby;
- C. Limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;
- D. Requirements for installation and maintenance of inspection and sampling facilities;
- E. Special conditions as the Authority may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types, and standards for tests and report schedule;
- F. Compliance schedules;
- G. Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this Code;
- H. Requirement that the POTW be notified in advance of changes in wastewater processes, volumes and compositions;
- I. Effluent limitations based on the more stringent of categorical pretreatment standards, local limits as established by the Code, or State and local law;
- J. General and specific discharge prohibitions as established by Paragraph 101.33.
- K. Requirements for collection/retaining and providing access to plant records relating to the user's discharge and for providing entry for sampling and inspection;
- L. Requirements for notification of spills, potential problems to the POTW including slug loadings, upsets or violations;

- M. Requirements for installation, operation and maintenance of pollution control equipment;
- N. Requirements to develop and implement spill and slug control plans;
- O. Other conditions as deemed appropriate by the POTW to ensure compliance with this Code, State and Federal pretreatment standards and requirements;
- P. Statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements;
- Q. Statement of non-transferability;
- R. Conditions for modification of revocation of permit; and
- S. A statement that indicates wastewater discharge permit duration, which in no event shall exceed four (4) years.

102.05 Permit Duration

All Wastewater Discharge Permits shall be valid from the date of issue for four (4) years and shall be renewed at the end of each 4-year period, hereafter subject to amendment or revocation as provided in this Code. Discharger is required to submit an application for renewal of his discharge permit at least 180 days prior to expiration of such permit.

102.06 Limitation on Permit Transfers

Wastewater Discharge Permits may be reassigned or transferred to a new owner and operator only if the permittee gives at least thirty (30) 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 and/or operator which:

- A. States that the new owner and/or operator have 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.

The following statement must be included on all pre-treatment Wastewater Discharge Permits; "Failure to provide advance notice of a permit transfer renders the Wastewater discharge Permit void able on the date of facility transfer."

102.07 (90) Ninety-Day Compliance Report

Within 90 days following the date for final compliance by the Discharger with applicable Categorical Pretreatment Standards or Standards set forth in this Code or (90) ninety-days following commencement of the introduction of wastewater into the POTW by the Discharger, any Discharger subject to this Code shall submit to the Authority a report indicating the nature and concentration of all prohibited or regulated substance contained in its discharge, the average and maximum daily flow in gallons, and rate of production if production-based standards apply. The report shall state whether the applicable

Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the discharger into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the discharger, and certified to be a qualified professional acceptable to the Superintendent. The certification statement required in Paragraph 102.02 (B)(13) shall be included in this report.

102.08 Periodic Monitoring Compliance Reports

- A.** Any Discharger subject to a Pretreatment Standard set forth in this Code, after the compliance date of such Pretreatment Standard, or, in the case of a New discharger, after commencement of the discharge to the Authority, shall submit to the Authority a periodic monitoring report on a form approved by the Authority based on sampling and flow analysis performed by said discharger or its representative. The frequency in which this monitoring compliance report is to be submitted to the Authority shall be prescribed within the discharge permit procured by the Discharger. Compliance reports shall be required within a time period of no more than one (1) per week to no less than one (1) per quarter, depending on the discharger's potential waste discharge characteristics. Specific waste pollutants to be sampled and analyzed will be contingent on the substances listed in the Discharger's Compliance report as detailed in Paragraph 102.07, of the Code, and any additional pollutant requested by the Authority. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in Paragraph 102.07, of the Code. Flow shall be reported on the basis of actual measurement provided; however, where cost of feasibility considerations justify, the Authority may accept reports of average and maximum flows estimated by verifiable techniques. Unless otherwise specified, all monitoring reports shall be due by the 20th day of the month following the period covered by the report. Reports not postmarked or received by the 20th shall be considered late. All self-monitoring reports must be signed by a principal executive officer of the company and shall contain the certification statement from Paragraph 102.02(B)(13), of the Code.
- B.** Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Authority. The POTW may convert production-based categorical standards to equivalent mass or concentration limits. If the POTW elects to calculate equivalent limits, the permittee(s) subject to that standard will be required to comply with the equivalent limits in lieu of the production-based standards. Discharge samples shall be collected at an appropriate monitoring facility approved by the Authority. Samples will be taken on a composite or grab sample basis and on varying days throughout the workweek as prescribed by the Authority. Sampling may occur more frequently during the first few months in order for the Authority to obtain an adequate database of information. All analyses shall be performed in accordance with 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not conclude a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with analytical procedures approved by the Administrator of the U.S. EPA.

- C. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Authority using the procedures prescribed in this Section, the results of such monitoring shall be included in the report.
- D. If sampling performed by a user indicates a violation, the user must notify the Authority within (24) twenty-four 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 Authority within (30) thirty days after becoming aware of the violation. The user is not required to re-sample if the Authority monitors at the user's facility at least once a month, or if the Authority samples between the user's initial sampling and when the user receives the results of this sampling.

102.0801 Cost Reimbursement for Pretreatment Program

It is the purpose of charges and fees to provide for the recovery of costs from Industrial Users of the POTW for program costs established herein. The applicable charges or fees shall be set forth in the POTW's, Summary of Rates and Charges, located in Paragraph 102.35 of the Code.

The POTW may adopt charges and fees, which may include:

- a. Charge for filing application and questionnaire for non-permitted Industrial Users
- b. Charge for surveillance (monitoring) of Industries
- c. Charge for filing appeals
- d. Surcharges on excessive loadings
- e. Charge for inspection of permitted industries, minimum of two (2) per year
- f. Charge for transferring discharge permits
- g. Charge for four (4) year discharge permit
- h. Other fees as the POTW may deem necessary to carry out the requirement contained herein.

These fees relate solely to the matters covered by this paragraph are separate from all other fees chargeable by the POTW.

102.0802 Surveillance of Major Contributors

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

Class A - Flow of 100,000 gallons per average work day or Greater.

Class B - Flow of 25,000 gallons to 100,000 gallons per average workday.

Minimum Surveillance Schedule shall be as follows:

Class A - Monthly or as required by the Superintendent

Class B - Quarterly or as required by the Superintendent or determined by characteristics that result in a major contributor classification.

The surveillance period will normally be for a period of seven (7) consecutive days, but can be of longer or shorter duration at the discretion of the Superintendent. In cases where the surveillance period extends for a greater number of consecutive days than (7), the POTW shall have the prerogative of selecting the seven (7) consecutive days of its choice for establishing rates and charges. The POTW will sample and conduct surveillance and inspection activities of major contributing and non-major industries when deemed necessary by the Superintendent to identify independent of information supplied by Industrial Users, Compliance or non-compliance with applicable pretreatment standards. In addition to surveillance monitoring conducted by the POTW, a major contributor shall conduct self-monitoring and submit monthly monitoring reports to the POTW unless specified other wise in the users permit conditions or by the Superintendent.

102.09 Notification of Discharge Change

All industrial users shall notify the POTW in advance of any significant change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous waste for which the industrial user has submitted initial notification under 40 CFR 403.12(p). For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, or the discharge of any previously unreported pollutants. Any discharger, who through addition or changes in operational process(s) anticipates the discharge of wastes identified in Paragraph 101.33, of the Code, shall notify the Authority of such anticipated change by written notice at least (30) thirty days prior to the proposed effective date of such change. The discharger shall provide the following specific information:

- A. Description of waste constituent or characteristic;
- B. Method or process that will generate waste;
- C. Approximate amount of said waste to be discharged to the sewer by continuous or batch discharge method. Data verification by sample effluent analysis may be required by the Authority; and
- D. Detailed plans for the elimination or treatment of waste must be described, along with compliance dates when such treatment, is necessary, will be initiated. The Authority for final approval shall review all treatment plans and compliance dates.

The authority shall provide any necessary information to a discharger regarding established limits, if any, on proposed waste discharge changes.

102.10 Monitoring Facilities

Each Discharger shall provide and operate at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the Authority. Each monitoring facility shall be situated on the discharger's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the Authority may concur with the facility being constructed in the public street

or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. All monitoring structures shall have an opening of no less than 24 inches diameter and an internal diameter of no less than 48 inches. Discharger shall complete construction within one hundred twenty (120) days of receipt of permit. The Authority may grant extensions of time at its discretion.

102.11 Right of Entry

Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any user who may be subject to the requirements of the Code. Industrial Users shall allow authorized representatives of the POTW, State and EPA access to all premises for the purpose of inspecting, sampling, examining records or copying records in the performance of their duties. Authorized representatives of the POTW, State and EPA shall have the right to place on the user's property such devices as are necessary to conduct sampling and monitoring. Where a user has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the user shall make necessary arrangements, at the user's own expense, to enable authorized representatives of the POTW, State and EPA to enter and inspect the premises as guaranteed by this Section. The Authority, at its discretion, shall have the right to inspect any non-regulated Discharger to confirm the absence of wastes as described in Paragraph 101.33, of the Code.

102.12 Search Warrants

If the Superintendent and/or authorized representative has been refused access to a building, structure or property or any part thereof, and if the Superintendent and/or his authorized representative has probable cause to believe that there may be a violation of the Code or that there is a need to inspect as part of a routine inspection program of the Town designed to verify compliance with this Code or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then upon application to the appropriate Court, the Superintendent may seek a search and/or seizure warrant describing therein the specific location subject to the warrant. The request by the Superintendent shall specify what, if anything may be searched and/or seized on the property described. The Superintendent in the company of a uniformed police officer shall serve such warrant at reasonable hours. In the event of an extreme emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

102.13 Confidential Information

Information and data furnished to the Authority with respect to the nature and frequency of discharge shall be available to the public or other governmental agencies without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge process information or methods of production which are entitled to production trade secrets of proprietary information. Any such request must be asserted at the time of the submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall

be available to the public with restriction.

When requested by a Discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately upon request to governmental agencies for uses related to this Code, the EPA, National Pollutant Discharge Elimination system (NPDES) Permit, State Disposal System Permits and/or their Pretreatment Programs; provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the Discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

102.14 Emergency Suspension of Service and Discharge Permits

The Authority may, for good cause, suspend the wastewater treatment service and the Wastewater Discharge Permit of a Discharger when it appears to the Authority that an actual or threatened discharge presents or threatens an imminent danger to the health or welfare of persons or danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits imposed by this Code or any Wastewater discharge Permit issued pursuant to this Code. Any Discharger notified of the suspension of the Authority's wastewater treatment service and/or the Discharger's Wastewater Discharger permit, shall, within a reasonable period of time, as determined by the Authority, cease all discharges. In the event of failure of the Discharger to comply voluntarily with the suspension order within the specified time, the Authority shall commence judicial proceedings immediately thereafter to compel the discharger's compliance with such order. The Authority shall reinstate the Wastewater Discharge Permit and/or the wastewater treatment service and terminate judicial proceedings pending proof by the Discharger of the elimination of the non-complying discharge or condition creating the threat of imminent or substantial danger as set forth above.

102.15 Revocation of Permit

The Authority may revoke the permit of any Discharger who fails to factually report the wastewater constituents and characteristics of its discharge; fails to report significant changes in wastewater constituents or characteristics; refuses reasonable access to the Discharger's premises by representatives of the Authority for the purpose of inspection or monitoring; or violates the conditions of its permit, this Code, or any final judicial order entered with respect thereto. Whenever the Authority finds that any Discharger has engaged in conduct which justifies revocation of a Wastewater Discharge Permit pursuant to this Section, the Authority shall serve or cause to be served upon such Discharger, a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within (30) thirty days of the date of receipt of the notice, the Discharger shall respond personally or in writing to the Authority, advising of its position with respect to the allegations. Thereafter, the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.

102.16 Show Cause Hearing

When violations of the Code are not corrected by timely compliance by means of Administrative Order, the Authority may order any Discharger which causes or allows conduct prohibited by this Code, to show cause before the Authority or its duly authorized representative, why the proposed enforcement actions should not be taken. A written notice shall be served on the Discharger by postal service, certified or registered, return

receipt requested, specifying the time and place of a hearing to be held by the Authority or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the Discharger to show cause before the Authority or its designee why the proposed enforcement actions should not be taken. Service may be made on any agent, officer, or authorized representative of the Discharger. The proceedings at the hearing shall be considered by the Authority, which shall then enter appropriate orders with respect to the alleged improper activities of the Discharger. The Discharger in accordance with applicable local or State law may take appeal of such orders.

102.17 Notification of Violation

When the Authority finds that a user has violated, or continues to violate, any provision of the Code, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Authority will refer to the Town of Bremen Enforcement Response Guidelines, available for review at the POTW, to determine an appropriate response.

102.18 Administration Fines

When the Authority finds that a user has violated, or continues to violate, any provision of the Code, a Wastewater Discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Authority may fine such user in an amount not to exceed Two Thousand Five Hundred Dollars (\$ 2,500.00). 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. The Authority shall inform the Discharger through written notice by postal service, certified or registered, return receipt requested, detailing the cause of the violation and the specific amount of fine to be paid per day of continued non-compliance. Issuance of an administrative fine shall not be a bar against, or be a prerequisite for, taking any other actions against the user.

102.19 Injunctive Relief

Whenever a user has violated a pretreatment standard or requirement or continues to violate provisions of the Code, Wastewater Discharge Permit or orders issued hereunder, or any other pretreatment requirement, the Superintendent may petition the Circuit Court of Indiana or Superior Court of Marshall County through Bremen's Town 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 Code on activities of the industrial user. The Authority may also seek such other action as appropriate for legal and/or equitable relief. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a user.

102.20 Civil Penalties

Any user which has violated or continues to violate provisions of this Code, any order or Wastewater Discharge Permit hereunder, or any other pretreatment standard or requirement shall be liable to the Town of Bremen for the maximum civil penalty of Two Thousand Five Hundred Dollars (\$ 2,500.00) per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. The Town may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including

sampling and monitoring expenses, and the cost of any actual damages incurred by the Town.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm cause by the violation, the magnitude and duration, and economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires. Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a user.

102.21 Right of Appeal

Any Discharger or any interested party shall have the right to request in writing an interpretation of ruling by the Authority of any matter covered by the Code and shall be entitled to a prompt written reply. In the event that such inquiry is by Discharger and deals with matters of performance or compliance with this Code or deals with a wastewater Discharge Permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, the Authority's decision, action, or determination shall remain in effect during such period of reconsideration and appeal. Appeal of any final judicial order entered pursuant to this Code may be sought in accordance with applicable local and State law.

102.22 Operating Upsets

Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of non-compliance with this Code or a Wastewater Discharge Permit issued pursuant hereto, shall inform the authority immediately (by telephone) upon first awareness of the commencement of the upset. The written follow-up report shall be completed within five (5) days and shall specify:

- A. Description of the upset, the cause thereof and the upset's impact on a discharger's compliance status;
- B. Duration of non-compliance, including exact dates and time of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur; and
- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance. Based on the information received by the Authority regarding the nature and potential harmful effect of a Discharger's upset to sewer or treatment plant systems, the Authority may require the Discharger to monitor waste discharge for a continued period of time specified by the Authority. Waste samples and analysis may also be required to determine appropriate treatment compliance.

A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the Authority against a Discharger for any non compliance with this Code or any wastewater Discharge Permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset.

102.23 Bypassing Prohibition

Bypassing of pretreatment facilities is prohibited unless it is the only feasible alternative to prevent loss of life, personal injury, or severe property damage. However, bypasses,

which do not cause violation of pretreatment standards or requirements, shall be allowed only if it is also for essential maintenance to assure efficient operation. When possible, the Authority shall be notified of such bypasses at least ten (10) days in advance. Planned bypasses, which violate pretreatment standards, may be permitted if all of the above conditions are met. Unanticipated bypasses, which cause violations of pretreatment standards, must be reported by phone to the Authority within 24 hours followed within five (5) days by a written submission containing a description of the bypass, its cause, duration, date, and time. If the bypass has not been corrected, the report shall include the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.

102.24 Enforcement Actions - Annual Publication

The Authority in the largest daily newspaper serving the municipality in which the Authority is located shall publish a list of Dischargers, which are determined to be in significant non-compliance at any time during the twelve (12) previous months. Publication shall occur no less than once annually; normally in the month of January. This list may summarize the enforcement actions, which have been taken against each Discharger and indicate their current compliance status.

102.25 Records Retention

All Dischargers subject to this Code shall retain and preserve for no less than three (3) years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a Discharger in connection with its discharge or any permit or order issued pursuant to this Code. All records which pertain to matters which are the subject of Administrative Order or any other enforcement or litigation activities brought by the Authority pursuant hereto shall be retained and preserved by the Discharger until all enforcement activities have concluded and all periods of limitation, with respect to any and all appeals, have expired.

102.26 Recovery of Costs Incurred by the Authority

Any Discharger violating any of the provisions of the Code, or who discharges or causes a discharge producing deposit or obstruction, or causes damage to or impairs the Authority's wastewater disposal system shall be liable to the Authority for any expenses, loss, or damage caused by such violation or discharge. The Authority shall bill the Discharger for costs incurred by the Authority as a result of the violation or discharge. These charges may include, but shall not be limited to costs for additional surveillance, sampling and analysis, as well as any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of the Code enforceable under the provisions of Paragraph 102.15, of the Code.

102.27 Falsifying of Information

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Code, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Code, or violates any provision of the Code shall, upon conviction be subject to the possibility of fine and imprisonment, or punishment by the imposition of a civil penalty of not more than \$ 2,500 per violation. Each occurrence of falsification or day covered by said falsified record or report shall be considered a separate violation.

102.28 Protection of Property

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is a part of the POTW. Any person violating this provision shall be subject to immediate arrest under the charge of disorderly conduct and be liable for fines, penalties, and liability for recovery of damages.

102.29 Revocation of Discharge Permits

The Town reserves the right to revoke the discharge permits and to disconnect service to any user whenever wastewater treatment bills become delinquent. All amounts charged under this Code continue to be due hereunder, whether or not said sewer is disconnected until the Town is paid in full for all amounts due it, and in addition, there shall be paid to the Town a deposit equal to an estimated amount of such charge for the next succeeding year. Such deposit shall be held by the Town in escrow, and will be returned upon satisfactory payment of all bills for a period of two (2) years.

102.30 Conflict

All previous Codes or parts of Codes inconsistent or in conflict herewith are hereby repealed.

102.31 Validity

The invalidity of any section, clause, sentence, or provision of the Code shall not affect the validity of any other part of the Code, which can be given effect without such invalid part or parts.

102.32 Severability

If any provision, paragraph, word, section, subsection or chapter of the Code is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

102.33 Effective Date

This Code shall be in full force and effect for and after its passage, approval recording, and publication as provided by law.

102.34 Annual Code Review

The Superintendent or his designated representative, to insure compliance with current state, and federal regulations, and as necessary recommend to the Town actions to upgrade this Code shall review this Code annually.

102.35 Summary of Rates and Charges

1. Metered Rate, (as found in Paragraph 100.02 (b))

<u>Flow Charge - per 1,000 gallons</u>	Billed Flow	\$0.568
	I/I Flow	<u>\$0.660</u>
	Sub Total	\$1.228
	<u>Debt Service</u>	<u>\$0.792</u>
	Flow Rate	\$2.020

2. Base Rate, (as found in Paragraph 100.02 (b))

All User Classes

		<u>Monthly Base Rate</u>		
		User	Debt	
		Charge	Charge	Total
5/8"	water meter	\$ 2.27	\$ 1.18	\$ 3.45
3/4"	water meter	2.27	1.18	3.45
1"	water meter	5.08	2.77	7.85
1-1/4"	water meter	7.88	4.42	12.30
1-1/2"	water meter	11.26	6.39	17.65
2"	water meter	19.10	10.95	30.05
3"	water meter	43.41	25.04	68.45
4"	water meter	77.07	44.63	121.70
6"	water meter	172.73	100.17	272.90

Cost to Discharge Remediation Water to Sanitary Sewer, (as found in paragraph 102.02),
Will be billed at the normal sewage rate.

Sewer Connection Charge, (as referenced in Paragraph 100.05)

A general connection fee of \$ 100.00 will be charged to all wishing to connect to Bremen's sewer system, in addition to this charge will be the following:

Multiple Dwelling Connection fees, \$ 50.00 per unit starting with the second unit.

Industrial, Commercial connection charge is shown in the schedule below and referenced in Paragraph 100.0503.

<u>Meters</u>	<u>Number of Meter Size</u>	<u>Charge</u>
1	3/4"	\$ 160.00
1	1"	\$ 240.00
1	1-1/2"	\$ 480.00
1	2"	\$ 630.00
2	2"	\$ 780.00
3	2"	\$ 940.00
1	4"	\$1,090.00
1	6"	\$1,230.00

Sewer Permit and Inspection charge for new or replacement Building Sewer (as shown in Paragraph 101.14).

Residential	\$ 30.00
Commercial	\$ 150.00
Industrial	\$ 300.00

Permit and Inspection Charge for Private Residential Sewage Disposal System, (as referenced in Paragraph 101.08).

Residential \$ 30.00

Wastewater Pretreatment Program Costs, (as referenced in Paragraph (102.0801)

Unless otherwise stated, all fees are non refundable.

Filing application and questionnaire for non permitted Industrial Users	\$ 150.00
Pretreatment Discharge Permit (4 year permit) Cost,(New and renewal)	\$ 500.00
Transfer of Pretreatment Wastewater Discharge Permit,	\$ 75.00
Inspection fee per visit	\$ 50.00
Monitoring Fee (per day)	\$ 100.00

Surcharges, (as referenced in Paragraph 100.04).

(1) Rate Surcharge Based upon Suspended Solids

There shall be an additional charge of \$.11 per pound of suspended solids for suspended solids received in excess of 150 milligrams per liter of fluid.

(2) Rate Surcharge Based Upon BOD

There shall be an additional charge of \$.07 per pound of biochemical oxygen demand for BOD received in excess of 200 milligrams per liter of fluid.

(3) Rate Surcharge Based on NH₃-N

There shall be an additional charge of \$.12 per pound of NH₃-N (Ammonia Nitrogen) for NH₃-N received in excess of 7 milligrams per liter.

Administration Fines, (as referenced in Paragraph 102.18).

Violation of Permit Limits could result in a fine of up to \$ 2,500.00 per day per violation.

Civil Penalties, (as referenced in Paragraph 102.20).

Violations resulting in Civil Penalties could result in a fine of up to \$ 2,500.00 per day per violation plus Attorney and Court costs incurred by the Town of Bremen.

Falsification of Information, (as referenced in Paragraph 102.27).

Subject to fine and imprisonment or civil penalties up to \$ 2,500.00 per day.

Hauled Liquid Wastes, (as referenced in Paragraph 101.05).

Septic Tank (Residential) Trucked Waste
\$5.00/1000 Gallons

Industrial and/or Commercial Trucked Waste
\$ 500.00/1000 Gallons