

Chapter 30.  
Wastewater Treatment Utility.

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ARTICLE I. GENERAL.

Sec. 30.01.1. Definitions.

Unless otherwise defined herein, terms shall be as adopted in the latest edition of the Glossary of Water and Wastewater Control Engineering, published by American Public Health Association, American Society of Civil Engineers, American Water Works Association, and Water Environment Federation.

*Act* or "*the Act*" The federal Water Pollution Control Act, also known as the Clean Water Act as amended, 33 U.S.C. 1251, et. seq.

*Approval Authority* The Coordinator of the Indiana Department of Environmental Management Municipal Pretreatment Program

*Authorized Representative of Significant Industrial User* An authorized representative of a Significant Industrial User may be:

- (a) A principal executive officer of at least the level of vice-president, if the Significant Industrial User is a corporation;
- (b) A general partner or proprietor if the Significant Industrial User is a partnership or proprietorship, respectively;
- (c) A duly authorized representative responsible for the overall operation of the facilities from which the indirect discharge originates.

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

*Biochemical Oxygen Demand* (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20° Celsius. The laboratory determinations of BOD shall be made in accordance with procedures set forth in Standard Methods for BOD<sub>5</sub> with nitrification inhibition.

*Board* The Board of Public Works and Safety of the City of West Lafayette. It is the governing body of the sewage system of the city, which system is a publicly-owned treatment works.

*Building Drain* shall mean that part of the lowest horizontal piping of a drainage system which receives from solid waste and/or other drainage pipes inside the walls of the building and conveys it to the building sewer.

*Building Sewer* The extension from the building drain to the public sewer or other place of disposal and shall include that portion of the drain within the public right-of-way (also called the house connection).

*Categorical Standards* National Categorical Pretreatment Standards or Pretreatment Standards, means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.

*Chemical Oxygen Demand* (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory

determination shall be made in accordance with procedures set forth in Standard Methods.

*City* The City of West Lafayette, Indiana, by and through the Board of Public Works and Safety.

*Collector Sewer* A public sewer that discharges into a branch or other sewer and has no other public sewer tributary to it.

*Combined Sewer* A sewer which carries storm water or surface runoff in addition to domestic sewage.

*Compatible Pollutants* Wastewater having or containing: (a) measurable biochemical oxygen demand, (b) suspended solids, (c) pH, (d) E. Coli bacteria or (e) additional pollutants identified or defined in the City's National Pollutant Discharge Elimination System (NPDES) permit or by the Indiana Department of Environmental Management or board. It is further clarified that conventional pollutants as identified by the US EPA pursuant to § 304(a)(4) of the Act in a form which causes interference with the POTW operations shall be non-compatible.

*Constituents and Characteristics* (of wastewater) The chemical, physical, bacteriological and radiological properties; including volume, flow rate and such other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

*Control Authority* The Wastewater Treatment Utility Director or a person authorized by the Utility Director or the Board of Public Works and Safety.

*Debt Service Charge* A charge levied on users of the wastewater conveyance and treatment system to fund debt service on outstanding bonds and current capital costs.

*Direct Discharge* The discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

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

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

*Fats (wastes)* Triglyceride esters of fatty acids. Erroneously used as a synonym for grease.

*Foundation Drains* Any network of pipes, pumps or drainage mechanisms located at, near or under a footing, foundation or floor slab of any building or

structure that intentionally or unintentionally conveys groundwater away from a building or structure.

*Garbage* The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods. It is composed largely of putrescible organic matter and its natural moisture.

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

*Grease and Oil* In wastewater, a group of substances including fats, waxes, free fatty acids, calcium and magnesium soaps, mineral oils and certain other fatty materials. Water-insoluble organic compounds of plant and animal origins, or industrial wastes, that can be removed by natural flotation skimming.

*Holding Tank Waste* Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

*Incompatible Pollutants* Any pollutant(s) which are not compatible pollutants (see 1.1.14)

*Indirect Discharge* The discharge or the introduction of other than normal domestic pollutants from any source regulated under § 307(b) or (c) of the Act (33 U.S.C. 1317) into the POTW (including holding any waste discharged into the system).

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

*Infiltration* Groundwater entering the collection system through service connections, cracked pipes, defective joints, defective pipes and manhole walls.

*Inflow* Surface runoff that may enter the collection system from sources such as cellar, yard area, foundation drains, drains from springs and swampy areas, manhole areas, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff and street waters or drainage.

*Inspector* A person authorized by the board or the WWT Utility Director to perform inspection and monitoring duties assigned by the board or WWT Utility Director.

*Interference* The inhibition or disruption of the POTW treatment processes, operations or sewage system which may or may not contribute to violation of any requirement of the City's NPDES permit. The term includes prevention of biosolids reuse/recycle or disposal by the POTW in accordance with 405(d)(2)(D) of the Act (33 U.S.C. 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act or more stringent State criteria (including those contained in any State biosolids management plan prepared pursuant to Title IV of SWDA) applicable to the method of reuse/recycle or disposal or use employed by the POTW.

*May* May means that the act referred to is both permissible and approved.

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

*New Source* Means any source, the construction of which is commenced after the publication of proposed and/or regulations prescribing a § 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after a proposal, a "new source" means any source, the construction of which is commenced after date of promulgation of the standard. Where no standard applies, a "new source" means any source discharging into the sewage system, after the effective date of the ordinance.

*Non-Contact Cooling Water* The water discharged from any use as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Normal Domestic Sewage* Sanitary wastewater discharged by residential users.

*Nuisance* Any substance 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 or enjoyment of life or property.

*Operation and Maintenance (O & M)* All expenses related directly to the operating and maintaining including replacement of the sewage works as identified in the "Uniform System of Accounts for Wastewater Utilities" or as prescribed by the Indiana State Board of Accounts under the general headings, Plant Operation and Maintenance, Sewer Operation and Maintenance, Customer Accounts, Administrative and General, Insurance and Taxes.

*pH* The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in units.

*Person* Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine; the singular shall include the plural where indicated by the context.

*Pollutant* Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

*Pollution* Specific impairment of water quality by agricultural, domestic or industrial wastes (including thermal and radioactive wastes), to a degree that has any change in the natural state of water, which interferes with its beneficial reuse or causes its failure to meet water quality requirements.

*Pretreatment or Treatment* 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, other than by dilution, 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, or process changes or other means, except as prohibited by 40 CFR § 403.6(d).

*Pretreatment Requirements* Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user.

*Publicly Owned Treatment Works (POTW)* A treatment works as defined by § 212 of the Act (33 U.S.C. 1292) which is owned in this instance by the City of West Lafayette. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the (City) who are, by contract or agreement with the (City), users of the (City's) POTW.

*POTW Treatment Plant* That portion of the POTW designed to provide treatment to wastewater.

*Public Sewer* Shall mean any combined, sanitary, collector, storm sewer or lift station located within the public right of way or a dedicated easement which is controlled by a governmental agency or public utility.

*Receiving Stream* The Wabash River and its tributaries within the city.

*Sanitary Sewage* Sewage such as, and having the characteristics of, normal domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories or institutions, free from storm and surface water, and industrial waste.

*Sanitary Sewer* A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants and institutions.

*Sewage* Household and commercial wastewater that contains human waste; distinguished from industrial waste.

*Sewage System (Collection System)* The network of publicly owned sewers and appurtenances used for collection, transporting and pumping wastewater to the wastewater treatment plant itself.

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

*Shall* Shall mean the act referred to is mandatory.

*Shredded Garbage* Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewage system, with no particles being greater than one-half (1/2) inch in dimension.

*Significant Industrial User* Any commercial or industrial user of the city's wastewater disposal system who (i) has a discharge flow of 10,000 gallons or more per average work day, or (ii) is subject to Federal Categorical Pretreatment Regulations, or (iii) has wastewater with a BOD<sub>5</sub> or TSS greater than 250 mg/l, or (iv) has in its wastes toxic pollutants as defined pursuant to § 307 of the Act, or of Indiana statutes and rules, or (v) is found by the city 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 biosolids, the system's effluent quality, or air emissions generated by the system.

*State* State of Indiana.

*Standard Industrial Classification* A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

*Standard Methods* An assembly of analytical techniques and descriptions commonly accepted in water and wastewater treatment (Standard Methods for

the Examination of Water and Wastewater) published jointly by the American Public Health Association, American Water Works Association and the Water Environment Federation, being the most current addition approved by EPA.

*Storm Sewer* A sewer intended to carry only storm waters, surface runoff, street wash waters, drainage or unpolluted cooling water.

*Storm Water* Any flow occurring during, or following, any form of natural precipitation and resulting therefrom.

*Surcharge* An extra monetary charge imposed on flows into the wastewater collection system when BOD<sub>5</sub> or TSS concentrations or concentrations along other parameters which shall be determined from time to time by the board that exceed those commonly found in normal domestic sewage (250 mg/l BOD<sub>5</sub> or TSS).

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

*Toxic Pollutant* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307 (a), other Acts, or toxic by characteristic. The board reserves the right to add additional parameters demonstrated to produce toxic effects which may or may not be on the aforementioned list.

*User* A person who introduces or discharges, any substance whatever, into the collection system; including both the owner and occupant of real estate from which, any substance whatever, is introduced or discharged into the collection system.

*User Charge* A charge levied on users of a treatment works for the user's proportionate share of the cost of operation and maintenance (including) replacement of such works.

*User Classes* Each recipient of municipal wastewater treatment services shall be either in the industrial class or the non-industrial class. The industrial class shall include any discharger of trade or process waste or any user which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids or gases in sufficient quantity either singly or by interaction with other waste, to contaminate the biosolids of the treatment works, or to interfere with any sewage treatment process, or which constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in or has an adverse effect on the

water receiving any discharge from the treatment works. The non-industrial class shall include all domestic and governmental users and those commercial and institutional users whose wastes do not meet the criteria for industrial users as stated above or as determined by the board.

*Utility Director* The Utility Director is subject to the control of the Board in all matters of the Wastewater Treatment Plant and conveyance system.

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

*Wastewater* The water-carried 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 Treatment Plant* Any arrangement of devices and structures used by the city for treatment and disposing of sewage, biosolids, and other sewage constituents and products.

*Waters of the State* Means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the State or any portion thereof.

Sec. 30.01.2. Abbreviations.

The following abbreviations shall have the designated meanings:

- ASTM - American Society of Testing and Materials
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- COD - Chemical Oxygen Demand
- EPA - Environmental Protection Agency
- l - Liter
- mg - Milligrams
- mg/l - Milligrams per liter
- NPDES - National Pollution Discharge Elimination System
- O&M - Operation and Maintenance
- POTW - Publicly Owned Treatment Works
- ppm - Parts per Million
- RCRA - Resource Conservation and Recovery Act
- SIC - Standard Industrial Classification

- SIU - Significant Industrial User
- SWDA - Solid Waste Disposal Act 42 U.S.C. 6901, et. seq.
- USC - United States Codes
- TSS - Total Suspended Solids
- WWT- Wastewater Treatment
- WWTU - Wastewater Treatment Utility

Sec. 30.01.3. Laws and regulations of the Board of Public Works and Safety.

The rates and charges established by this ordinance shall be collected by the city. The Board of Public Works and Safety may adopt and enforce such reasonable regulations not in conflict herewith as it may deem necessary for the safe, economical and efficient management of the city's collection system and treatment plant and for the construction and use of building (or house connection) sewers and connections to the collection system, which regulations may include limitations of, or prohibition of, introduction of, or infiltration by storm water, surface water, and ground water into the collection system; a schedule of initial connection charges to recover capital costs of new sewers installed for the particular new customer, and a capital cost recovery schedule for customers outside the city to include capital investment in existing or contribution in aid of construction for future treatment capacity; and for the regulation, collection, rebating and refunding of such rates and charges.

Sec. 30.01.4. Damaging, defacing sewage works property.

A person shall not maliciously, willfully, or recklessly break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the city's sewage system, or knowingly tampering with, connecting to, or other disturbances of the sewage system without a proper permit.

Sec. 30.01.5. Tampering with effluent monitoring station.

It shall be a violation of this ordinance for any person to tamper with or modify any pump, valving appurtenance, flow control section, meter or sampling equipment so as to have the effect of rendering inaccurate any meter or other monitoring equipment.

Sec. 30.01.6. Notice to violators.

Any person found to be violating any provision of this ordinance, except where stated otherwise, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Sec. 30.01.7. Liability of violators for damage and loss to the city.

Any person violating any of the provisions of this ordinance shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.

## ARTICLE II. REGULATIONS.

### Sec. 30.02.1. General discharge prohibitions.

No user shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff or subsurface drainage into any sanitary sewer. Storm water and all other unpolluted drainage may be discharged through existing structures to such sewers as are designated as storm sewers. No additional flow shall be introduced. Non-contact cooling waters or unpolluted process waters may be discharged to a storm sewer, on approval of applicant, as provided in § 30.03.2. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which cause, threaten to cause, or are capable of causing, either alone or by performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements. A user may not contribute the following substances to any POTW:

(a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides and any other substances which the City of West Lafayette, the State of Indiana or EPA has notified the User is a fire hazard or hazard to the system.

(b) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal viscera or tissues, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

(c) Any wastewater having a pH less than 5.0 or greater than 10.0, or any other wastewater having any corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

(d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any

wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in the applicable Pretreatment Standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to § 307(a) of the Act.

(e) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

(f) Any substance which may cause the POTW's effluent or any other product of the POTW such as residuals, biosolids or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with biosolids use or disposal criteria, guidelines or regulations developed under § 405 of the Act; any criteria, guidelines or regulations affecting biosolids use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State Criteria applicable to the biosolids management being used.

(g) Any substance which will cause the POTW to violate its NPDES Permit or the receiving stream's water quality standards.

(h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to: dye waste and vegetable tanning solutions.

(i) 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°C (104°F).

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to the POTW.

(k) Any wastewater containing any radioactive wastes.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance, or is deleterious to the POTW. When the Utility Director determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Utility Director shall: (1) Advise the user(s) of the impact of the contribution on the POTW; and (2) Develop effluent limitation(s) for such user to correct the interference with the POTW.

Sec. 30.02.2. Federal categorical pretreatment standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial sub-category, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that category, shall immediately supersede the limitations imposed under this ordinance. The Utility Director shall notify all affected users of the applicable reporting requirements under 40 CFR, §403.12.

Sec. 30.02.3. Modification of federal categorical pretreatment standards.

Where the city's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the city may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system ninety-five percent (95%) of the samples taken according to the procedures set forth in § 403.7(c)(2) of (Title 40 of the Code of Federal Regulations, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The city may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR, Part 403, § 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

Sec. 30.02.4. Specific pollutant limitations.

No person shall discharge wastewater containing in excess of:

- 0.1 mg/l arsenic
  - 1.0 mg/l cadmium
  - 2.5 mg/l copper
  - 1.0 mg/l cyanide
  - 0.6 mg/l lead
  - 0.02 mg/l mercury
  - 2.0 mg/l nickel
  - 1.0 mg/l silver
  - 6.0 mg/l total chromium
  - 4.2 mg/l zinc
  - 1.0 mg/l phenolic compounds
- which cannot be removed by the City's wastewater treatment processes

Sec. 30.02.5. State requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this ordinance.

Sec. 30.02.6. City's right of revision.

The city reserves the right to change rates and fees, and establish, by ordinance, more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives of this ordinance.

Sec. 30.02.7. Excessive discharge.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant - specific limitation developed by the city or State.

Sec. 30.02.8. Discharge of untreated sewage and waste.

It shall be unlawful to discharge any sanitary sewage, industrial waste, household waste or other polluted waters/wastes into the POTW, sewage system or any natural outlet within the city or in any area under jurisdiction of the city.

Sec. 30.02.9. Admissibility--prohibition of unpolluted waters.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewer or to a natural outlet approved by the Approval Authority. Industrial cooling water or unpolluted process waters may be discharged upon approval by the Approval Authority and/or the Utility Director to a storm sewer or natural outlet. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process water to any sanitary sewer. Unpolluted water, including, but not limited to: city water, cooling water, process water or blowdown from cooling towers or evaporative coolers shall not be discharged through direct or indirect connection to the collection system or for purposes of diluting wastewater. Limitations on the amount of unpolluted water that is discharged shall be part of a Significant Industrial User's permit.

Sec. 30.02.10. Grease, oil, and sand interceptors (traps).

Such interceptors shall be provided at (a) all restaurants, and at (b) all industrial and commercial enterprises necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the city and shall be readily and easily accessible for cleaning and inspection. Interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in

temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which when bolted in place shall be gas tight and water tight. When installed, all interceptors shall be maintained by the owner, at the owner's expense, in continuously efficient operation at all times.

Sec. 30.02.11. Right to reject waste.

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

Sec. 30.02.12. Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection for reportable quantities of hazardous materials as defined in 40 CFR 117 shall be submitted to the city for review, and shall be approved by the city before construction of the facility, whenever applicable. All existing users shall complete such a plan by June 1, 1993. Said plan shall be revised and updated whenever plant operation(s) changes the validity of the plan, but in any case not less than every three (3) years. Failure to comply with this requirement shall result in legal remedies as defined in § 30.05.1. No user who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this ordinance. In case of an accidental discharge, it is the responsibility of the user to immediately (within one (1) hour) telephone and notify the Utility Director of the incident. The notification shall include the location of discharge, type of waste, concentration and volume, and corrective actions.

*Written Notice* Within five (5) days (calendar) following an accidental discharge; the user shall submit to the Utility Director a detailed written report under oath and signed by the user describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. Within 10 days (working) following such accidental discharge, the user shall appear before the board and provide a full

explanation of the discharge and of steps being taken to prevent its recurrence.

*Notice to Employees* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

Sec. 30.02.13. Discharger's request for interpretation.

In an effort to assure fuller understanding of and compliance with the goals and objectives of this ordinance, it shall be the privilege of any interested party to request in writing an interpretation or ruling by the Utility Director on any matter covered by this municipal ordinance.

ARTICLE III. ADMINISTRATION.

Sec. 30.03.1. Wastewater dischargers.

It shall be unlawful to discharge without an NPDES permit to any natural outlet, including groundwater, within the City of West Lafayette. It shall also be unlawful to direct discharge without notification to the city in any area within the corporate limits of the city. It shall also be unlawful to discharge to the POTW any wastewater except as authorized by the Utility Director in accordance with the provisions of this ordinance.

Sec. 30.03.2. Wastewater discharge permits.

30.03.2.1 *General.* All significant Industrial users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 90 days after the effective date of this ordinance. Any new industries meeting the Significant Industrial criteria shall obtain said permit 180 days prior to discharging to the West Lafayette POTW. All Significant Industrial users shall submit all notices and self monitoring reports to the Utility Director on monthly basis or other frequency as established in their permit.

30.03.2.2. *Permit Application Users* required to obtain a Wastewater Discharge Permit shall complete and file with the Board of Public Works and Safety (board), an application in the form prescribed by the board, and accompanied by a fee as follows:

*Permit Fee*

Initial Significant Industrial User Permit

Industries connected to sewage system after the effective date of this

ordinance.....\$600.00

In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location, (if different from the plant address);
- (b) Standard Industrial Classification (SIC) number(s) according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in § 20.02 of this ordinance as determined by an EPA approved analytical laboratory; sampling and analysis shall be performed in accordance with procedures established in the latest EPA approved edition of Standard Methods or contained in 40 CFR 136, as amended for items not covered in Standard Methods;
- (d) Time and duration of contribution;
- (e) Average daily and estimated 30 minute peak wastewater flow rates, including daily, monthly, and seasonal variation if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Basis of design of the pretreatment facility including, where applicable:
  - (1) Design loading
    - average
    - peak
    - future,
  - (2) Rationale for process selection,
  - (3) Design calculations for sizing of tanks, pumps, piping and other treatment appurtenances,
  - (4) Calculations of predicted effluent quality and loading under normal and peak operating conditions;
- (i) Where known, the nature and concentration of any pollutants in the discharge which are limited by any city, state, or Federal Categorical Pretreatment Standards and a statement regarding whether or not the

pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;

(j) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule to provide such additional pretreatment will be utilized by the user. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standards:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for the major components, commencing construction, completing construction, etc.),
- (2) No increment referred to in paragraph (1) shall exceed nine (9) months,
- (3) No later than 14 days (calendar) following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Utility Director including, as a minimum, whether or not it complied with the increment of progress to be met on such 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 user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Utility Director;
- (k) Hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- (l) Each product produced by type, amount, process(es) and rate of production;
- (m) Type and amount of raw materials processed (average and maximum per day);
- (n) Any other information as may be deemed by the city to be necessary to evaluate the permit application. Any Significant Industrial User (SIU) who discharges wastewater in excess of twenty-five thousand (25,000) gallons per day and does not

produce a manufactured product and has a discharge which consists of domestic wastewater will only be required to provide information from the items indicated above as determined by the city. The board or its designee will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the board may issue a Wastewater Discharge Permit subject to the terms and conditions provided herein.

30.02.3. *Permit Modifications* Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Discharge Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by § 30.03.2.2, the user shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the Applicable Federal Categorical Pretreatment Standard. In addition, the user with an existing Wastewater Discharge Permit shall submit the information required by § 30.03.2.2 to the Utility Director within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard.

30.03.2.4. *Permit Conditions* Wastewater Discharge Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the city. A permit may contain the following:

- (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a public sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see § 30.03.3);

(h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the city, and affording city access thereto;

(i) Requirements for notification of the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(j) Requirements for notification of slug discharges as per § 30.02.11;

(k) Other conditions as deemed appropriate by the city to ensure compliance with this ordinance.

30.03.2.5 *Permit Duration Permits* shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than one (1) year or may be stated to expire on a specific date. The user shall apply for the permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements, as identified in article II, are modified or other just cause exists. The user shall be informed of any proposed changes in their present permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

30.03.2.6. *Permit Transfer* Wastewater Discharge Permits are issued to a specific user for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the approval of the city. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

30.03.2.7. *Records Retention* All information, records, books, etc. required pursuant to § 30.03.2 whether prepared by or on behalf of the discharger, shall be retained and preserved by such discharger for a minimum period of three (3) years from the time of their creation.

Sec. 30.03.3. Reporting requirements for permittee.

30.03.3.1. *Compliance Schedule Reports* (for non-categorical industries) Any non-categorical industry which is not in compliance with the city's ordinance limitations must develop a compliance schedule during which time the industry must meet the city's standards. The schedule should contain increments of progress which correspond to specific dates for their completion. All Significant Industrial Users (SIU) subject to these conditions must submit a progress report to the City no later than fourteen (14) calendar days following each date in the compliance schedule. This report must

include whether it complied with the increment of progress to be met on that date, the reason for delay if the date was not met, and the steps being taken to return to compliance. In no event can more than nine (9) months elapse between progress reports.

30.03.3.2. *Self-Monitoring Reports* This requirement calls for the submission of all notices and self-monitoring reports from SIU's that are necessary to assess and assure compliance by SIU's with applicable pretreatment standards and requirements. These reports will normally be required on a monthly basis.

30.03.3.3. *Baseline Reports* Within one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, existing Industrial Users subject to such Categorical Pretreatment Standards and currently discharging to the POTW will be required to submit to the control authority a report containing the information listed in paragraph (b)(1)(7) of 40 CFR 403.12(b). Upon promulgation of a Categorical Pretreatment Standard the control authority will provide the appropriate 12(b) form for distribution to the Industrial Users who are affected by the promulgated standard. The Industrial Users are then required to submit the completed report to the control authority.

30.03.3.4. *Compliance Schedule Reports* (categorical Industries) This schedule is necessary whenever an Industrial User is not meeting Categorical Pretreatment Standards at the time of promulgation of that standard. The schedule contains increments of progress which correspond to specific dates for their completion. These represent major events leading to the construction and operation of additional pretreatment required for the Industrial User to meet the applicable Categorical Pretreatment Standard. All Industrial Users subject to these conditions must submit a progress report to the control authority no later than fourteen (14) calendar days following each date in the compliance schedule including the final date for compliance. This report must include, at a minimum, whether or not it complied with the increment of progress to be met on the date and, if not, the date on which it expects to comply, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event can more than nine (9) months elapse between such progress reports.

#### Sec. 30.03.4. Monitoring facilities.

30.03.4.1. *Methods for Measurement* of Industrial Waste Flows Any Significant Industrial User (SIU) who, on the effective date of these regulations, is discharging industrial waste to the POTW shall provide the city independent access means and facilities for the purpose of observation, measurement and sampling of such industrial waste. If such access means and facilities are not otherwise available, the SIU shall construct and maintain a control manhole at the SIU's expense. The

city shall have full access at all times to the SIU's monitoring facility or facilities to conduct tests on quality and quantity of effluent. The volume or quantity of industrial waste discharged by any SIU into the POTW may be measured by one (1) or more of the following methods:

(a) If the volume of water used by any SIU in its industrial or process operations is greater than 85% of the volume obtained from the West Lafayette Water Works System, then the volume of water purchased from such System shall be considered to be the volume of waste discharged;

(b) If the volume of water used for industrial purposes is less than 85% of the volume of water obtained from the West Lafayette Water Works System, then the quantity of industrial wastes generated by an SIU shall be determined as follows:

(1) By a meter or meters on the water supply line or lines to the SIU's industrial and/or process operations, or

(2) By a meter or meters on the waste line or lines from the SIU's industrial and/or process operations.

(c) If any SIU now discharging or proposing to discharge industrial waste to the POTW does not obtain its entire water supply requirements from the West Lafayette Water Works System, the SIU shall install and maintain a meter or meters from its industrial and/or process operations or shall install such additional meters on the private water supply as required to permit a determination of the total amount of discharge to the sewers from all sources under procedures comparable to subsections (a) and (b) above.

30.03.4.2. *Location of Monitoring Facilities* The city shall require, to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical for purposes of providing for independent and unscheduled monitoring activities or cause undue hardship on the user, allow the facility to be constructed in the public street, right-of-way, parkway or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling preparation of samples for analysis. The facility, sampling and measurement equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all

applicable local construction standards and specifications, and such sampling and monitoring facilities shall be constructed and maintained in such a manner so as to enable city personnel to perform independent and unscheduled monitoring activities.

#### Sec. 30.03.5. Inspection and sampling.

The city shall inspect the facilities of any User to ascertain whether the purposes of this ordinance are being met and all requirements are being met. Owners or occupants of premises where wastewater is created or discharged shall allow the city or its representative, bearing proper credentials and identification, ready access at all times of operation to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The city, approval Authority and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with security guards so that upon presentation of suitable identification, personnel from the city, Approval Authority and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

#### Sec. 30.03.6. Pretreatment.

Significant Industrial Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the city shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent meeting Federal Categorical Pretreatment Standards and acceptable to the city under the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes. The city shall annually publish in the newspaper of general circulation having the largest circulation within the city a list of users which were not in compliance with any Pretreatment Requirements or Standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months. All records relating to compliance with Pretreatment Standards shall be made available to officials of the city, the EPA or the Approval Authority.

#### Sec. 30.03.7. Confidential information.

Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be made available to the public or other governmental agencies without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or confidential information. When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or confidential information shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses relating to this ordinance, the National Pollution Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the pretreatment Program; provided however that such portion of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater quantities, constituents and characteristics will not be recognized as confidential information. Notwithstanding anything in the paragraph immediately above, information accepted by the city as confidential, shall not be transmitted to any governmental agency or to the general public by the city without the user's written permission, and when so transmitted it shall be done so under the protective provisions of 320 IAC 6 for submission made to the Indiana Department of Environmental Management, and the exclusionary provisions of the "Freedom of Information Act" (FOIA), 5 USC 522(b)(4) for submission made to any federal agency.

### ARTICLE IV. ENFORCEMENT.

#### Sec. 30.04.1. Harmful contributions.

The city may suspend the wastewater treatment service and/or a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES Permit. Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the Wastewater Discharge Permit and/or wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement

submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the city within 15 calendar days of the date of occurrence.

Sec. 30.04.2. Revocation of permit.

Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having the user's permit revoked in accordance with the procedures set forth herein:

(a) Failure of a user to factually report the wastewater constituents and characteristics of the user's discharge;

(b) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(c) Refusal of reasonable access to the user's premises or the purpose of inspection or monitoring;

(d) Violation of conditions of the permit.

Sec. 30.04.3. Notification of violation.

Whenever the city finds that any user has violated or is violating this chapter, Wastewater Discharge Permit, or any prohibition, limitation or requirements contained herein, the city may serve upon such a person a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the city by the user.

Sec. 30.04.4. Show cause hearing.

30.04.4.1. The city may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the board why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) working days before the hearing. Service may be made on any agent or officer of a corporation.

30.04.4.2. The board may itself conduct the hearing and take the evidence, or may designate a representative to:

(a) Issue in the name of the board notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;

(b) Take the evidence;

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the board for action thereon.

30.04.4.3. At any hearing held pursuant to this ordinance, testimony taken must be under oath, recorded and transcribed. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

30.04.4.4. After the board has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be disconnected unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

Sec. 30.04.5. Legal action.

If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, Federal or State Pretreatment Requirements, or any other order of the city, such person shall be liable for any and all damages, losses and expenses sustained by the POTW as a result of such discharge or violation and the city attorney may commence an action for appropriate legal and/or equitable relief in the appropriate court of this county.

Article V. Penalties.

Sec. 30.05.1. Civil penalties.

Any user who is found to have violated an order of the board or who willfully or negligently failed to comply with any provision of this chapter, and the orders, rules, regulations and permits issued hereunder, shall be fined not less than five hundred dollars (\$500) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the city may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the persons found to have violated this chapter or the orders, rules, regulations and permits issued hereunder.

Sec. 30.05.2. Falsifying information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or

method required under this chapter, shall, upon conviction, be punished by a fine of not less than two thousand five hundred dollars (\$2,500) for each violation.

#### ARTICLE VI. CONNECTION TO SEWAGE SYSTEM.

Sec. 30.06.1. Unauthorized and/or forbidden connection to or use of public sewer.

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 West Lafayette Engineering Department.

Sec. 30.06.2. Permits.

There shall be two (2) classes of sewer tap permits: (1) for residential and commercial service and (2) for service to establishments producing industrial waste. In either case, the owner or its agent shall make application on a form furnished by the city's Engineering Department. The permit applications shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Engineering Department. A permit and inspection fee of fifty dollars (\$50) for a residential or commercial building sewer permit and one hundred dollars (\$100 for an industrial permit shall be paid, by check, to the West Lafayette Wastewater Treatment Utility, at the time the application is filed.

Sec. 30.06.3. Costs--indemnification of the city.

All costs and expense incident to the installation and connection of the building sewer (house connection) shall be borne by the owner. The owner or the person installing the building sewer for the owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation.

Sec. 30.06.4. Privies, septic tanks, cesspools, etc.

A person shall not construct or maintain a privy, septic tank, cesspool, dry well or other facility intended or used for the disposal of wastewater.

Sec. 30.06.5. When connection to the sewage system is required.

The owner of or any person constructing a new house or other building for occupancy, employment, recreation, industrial or commercial activity within the city and abutting on any street, alley or easement in which there is now located, or may in the future be located, a public sanitary or combined sewer, or along or across which there is access to such a sewer, must connect, at their expense, within ninety (90) days after date of official notice, to such sewer in accord with applicable ordinances and regulations, and shall not discharge sewage elsewhere than into the sewage system.

Sec. 30.06.6. Connection required when public sewer becomes available.

At such time as a public sewer becomes available to a property served by a private sewage disposal system, a direct connection shall be made, within three (3) years, to the public sewer, at the owner's expense.

Sec. 30.06.7. Construction of building (or house connection) sewers.

The size, shape, alignment, materials of construction of a building (or house connection) sewer and the methods to be used in excavating, placing the pipe, jointing, testing and back filling the trench shall conform to the requirements of the building and plumbing codes and other applicable rules and regulations of the city.

30.06.7.1. *Pipe Specifications.* The building sewer (house connection) shall be cast iron soil pipe, ASTM specification or equal, polyvinylchloride (PVC) gravity sewer pipe, ATSM specification (D3034-'73 and minimum 600 pound per lineal foot crushing strength) or equal. Joints shall be tight and waterproof. PVC gravity sewer pipe may be required by the inspector where the building sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast iron soil pipe.

30.06.7.2. *Size and Slope Requirements.* The size and slope of the building sewer (house connection) shall be subject to the approval of the Engineering Department, but in no event shall the diameter be less than six inches. The slope of such six inch pipe shall not be less than one-eighth inch per foot.

30.06.7.3. *Separate Sewer Requirements.* A separate and independent building (or house connection) sewer shall be provided for every building (or house), 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 of the building (or house) through an adjoining alley, court, yard or driveway. In such cases, the building (or house connection) sewer from the front building (or house) may be extended to the rear building (or house) and the whole considered as one building (or house connection) sewer.

30.06.7.4. *Use of Old Building (or House Connection) Sewer for a New building (or House).* Old building (or house connection) sewers may not be used in connection with new buildings (or houses), except with the approval of the city Engineer's Office. All new building sewers shall be plastic (PVC) pipe or equal material and all material and construction shall be approved by a representative of the city Engineer.

30.06.7.5. *Elevation and Location of Building (or House Connection) Sewer.* Whenever reasonably possible, the building (or house connection) sewer shall be brought to the building (or house) at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be

sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment in so far as possible. Changes in direction shall be made only with properly curved pipes and fittings. In all buildings (or houses) in which any building (or house) drain is too low to permit gravity flow to the appropriate public sewer, wastewater carried by such building (or house) drain shall be lifted by appropriate means and discharged to the building (or house connection) sewer. No water operated sewage ejectors shall be used.

30.06.7.6. *Excavations.* All excavations required for the installation of a building sewer (house connection) shall be open trench work unless otherwise approved by the Engineering Department. Pipe laying and backfill shall be performed in accordance with ASTM specifications; except that no backfill shall be placed until the work has been inspected by the city's Engineering Department. All excavations for building sewer (house connection) shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

30.06.7.7. *Connection of Building Sewer (House Connection) into the Public Sewer.* The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available, the owner shall at the owner's expense furnish and install in the public sewer a "Y" at the location specified by the Engineering Department into which the building sewer (house connection) shall be connected. The invert of the building sewer (house connection) shall be at the same or at a higher elevation than the invert of the public sewer. A smooth neat joint shall be made, and the connection made secure and water tight.

30.06.7.8. *Prohibition Against Clear Water Discharges.* It shall be unlawful to connect to or discharge from a building sewer to a public or other building sewer when such building sewer has any of the following sources of clear water connected to it:

- (a) Foundation/footing drains;
- (b) Sump pumps with foundation drains connected;
- (c) Roof drains;
- (d) Heat pump discharge;
- (e) Cooling water; or
- (f) Any other source of clear water.

The board reserves the right to require present users to disconnect, at user's expense, existing sources of such inflow where such disconnection is technically feasible.

30.06.7.9. *Existing Foundation Drains, Roof Drains, Defective Building Sewers and Sump Pumps.* In event the city and/or WWTU determines that a violation of § 30.06.7.8 exists, the WWTU shall notify the violator, by certified mail, that such violation exists. The notice shall describe the nature of the violation and the corrective action(s) that must be taken. Such corrective action shall be taken within 30 days of receipt of such notice, unless extended by the Board of Public Works and Safety and/or the WWTU.

30.06.7.10. *Inspection, Supervision of Connection.* The applicant for the building (or house connection) sewer permit shall notify the city Engineer or designee when a building (or house connection) sewer is ready for inspection and connection to the sewer system, if the applicant has installed footing drains, the discharge point will be inspected before connection of the building sewer (house connection) is connected to the public sewer. The connection shall be made under the observation of the representative of the city Engineer using materials and techniques conforming to the requirements of the board. The applicant shall give notice before the burial or covering of the building (or house connection) sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved. The sewer connections shall be made before permanent water service connection is made.

Sec. 30.06.8. *Right to prohibit new connections.*  
The city shall have the right to prohibit new connections when the capacity of the sewage system is deemed insufficient by the board to accommodate the expected flow, BOD and/or suspended solids loading from the prospective sewer user.

Sec. 30.06.9. *Extension outside city limits.*  
No person shall directly or indirectly make any connection with or opening into any public sewer or appurtenance owned or operated by the city's POTW for the purpose of serving an area outside the corporate boundaries of the city, except:

30.06.9.1. Connection or service is under the terms of a valid agreement or contract with the city and in force at the time this ordinance becomes effective.

30.06.9.2. Service to Purdue University.

30.06.9.3. Service to the area served by the facilities formerly a part of the West Lafayette Regional Sewer District. (Ord. No. 13-00 § 1)

30.06.9.4 Service to any area that is expected to become a part of the corporate limits of the City of West

Lafayette but is not currently contiguous or cannot be immediately annexed under Indiana law, provided that the Board of Works finds that: (a) such service would be in the best interests of the wastewater treatment utility, (b) the development to be served would conform to city standards and be consistent with city planning, and (c) that such area should become a part of the corporate limits of the city in the future. (Ord. No. 13-00 § 1)

30.06.9.5. Service has been provided before the effective date of this ordinance.

## ARTICLE VII. PRIVATE WELLS.

### Sec. 30.07.1. Registration of wells.

Every owner or occupant of real estate within the corporate limits of the city of West Lafayette, or real estate from which there is a building (or house connection) sewer or other means or path of direct or indirect flow into the sewage system, shall, on a form provided by the board, report the existence of such well to the clerk-treasurer. The information furnished on such form by the owner or occupant shall include, among other items, the name of the owner and occupant of such real estate, the location on said real estate of such well, the size of the well pipe, the size (voltage, amperage and horsepower) of the well pump motor and the purpose for which the well water is used by the owner, occupant or others.

### Sec. 30.07.2. Metering well water.

The board shall determine by any reasonable means, including, but not limited to, the use of water meters and timing devices, the flow of such well in order to determine the amount of sewage entering the sewage system. The owner or occupant of such real estate shall pay for such metering device, which shall be of a type approved by the board, and which shall remain the property of the owner but shall be under the exclusive control of the board and shall not under any circumstances be tampered with by the owner, occupant or any other person. It shall further be a violation of this ordinance for any person to tamper with or modify any pump on any such well so as to render inaccurate the meter on such well. In the case of wells for households use only the board may, in lieu of metering or timing the use of the well, provide for use of reasonable estimates regarding water volume.

### Sec. 30.07.3. Inspection of wells.

The board may direct the Utility Director, inspector or any other employee to enter upon private property for the purpose of inspecting to determine the existence of private wells, to oversee or to direct the installation of metering or timing devices and to read such meters and devices.

### Sec. 30.07.4. Exception.

The requirement that wells be registered shall not apply to single-family dwellings or to apartment buildings with four (4) or fewer apartments on one (1) parcel, unless the parcel is connected to the sewage system.

### Sec. 30.07.5. Well digging.

A person shall not dig or drive a well within the city limits without first making application to the city Engineering Department, whose application shall be on a form approved by the board and shall show all pertinent data regarding size and flow. The application shall be signed by both the installer of the well (the contractor or other person doing the work) and the owner or agent (other than the installer). The failure to file such an application shall be a violation of this ordinance.

## ARTICLE VIII. WASTEWATER MONITORING.

### Sec. 30.08.1. Surveillance of significant industrial users.

To establish a feasible surveillance schedule, the following self-monitoring and city surveillance estimated frequencies are established:

#### (a) *City Monitoring*

(1) Minimum of one (1) scheduled monitoring event per year to include site inspection, records review and sampling (minimum 1 24 hour composite).

(2) Minimum of one (1) unscheduled monitoring event per year to include site inspection, records review and sampling (minimum 1 24 hour composite).

(3) Demand monitoring to consist of site inspection, records review and seven (7) consecutive days of 24 hour composite sampling to be performed when warranted in the opinion of the board in response to a known or suspected violation discovered in a self monitoring report, routine sampling trip, by public complaint or any discharge of prohibited material.

#### (b) *Self Monitoring*

(1) As required for Federal Categorical Pretreatment Standard Compliance monitoring.

(2) As established in Significant Industrial User Wastewater Discharge Permit, but in any case, not less than the total minimums set forth below at 30.08.1(c), unless expressly approved by the board.

#### (c) *Minimum Monitoring Frequency Guidelines for Case by Case Permit Requirement*

Industrial Flow (average gallons per day) Frequency	Monitoring
0 - 10,000 months	Once every six months
10,001 - 25,000	Once every three months
25,001 - 50,000	Once every two months
50,001 - 100,000	Once per month
greater than 100,000 weeks	Once every two weeks

These monitoring frequencies may be a combination of POTW scheduled and unscheduled monitoring and industrial self-monitoring. The city may require more frequent monitoring based on potential degree of impact on the POTW, variability in types or amounts of pollutants discharged or concentration or loading of conventional pollutants.

*(d) Six Month Review of Monitoring Frequency*

After six months of actual monitoring experience, each Significant Industrial User shall submit a report assessing the adequacy of their monitoring schedule. If the data exhibit a high degree of statistical variance, the city may require an increased frequency of self monitoring to determine the cause. If the data are uniform, exhibit a low degree of statistical variance with the city's monitoring, and justification is accepted by the board, the self monitoring requirement may be relaxed.

**Sec. 30.08.2. Surveillance survey charge.**

The charge for each surveillance survey shall be based on the cost of sample collection, analysis and reporting as well as site inspection and records evaluation costs. The board is hereby empowered to review on an annual basis the actual costs versus charges for surveillance and to adjust charges accordingly to achieve cost reimbursement.

**Sec. 30.08.3. Monitoring of significant industrial users.**

A Significant Industrial User (SIU) shall install at its own expense monitoring facilities as required herein above at 30.03.4, unless said SIU can demonstrate to the board that compliance with this requirement would cause undue hardship. In such cases, the board shall provide for alternate monitoring procedures in the SIU's Wastewater Discharge Permit. The city shall have the right of full access to said monitoring station at all times to conduct tests on quantity and quality of effluent.

The city may provide metering and/or monitoring equipment during a surveillance period for control manholes or other access means supplemental to those provided by the user. Required monitoring equipment may, if the board determines it to be necessary, after public notice and a hearing, include a device for continuously automatically measuring and recording flow and a device for automatically taking discrete hourly and composite samples of wastewater during each 24

hour period. In the event of continuing violation of discharge limits in the permit of a SIU, the city may also, in addition, after public notice and hearing, require monitoring equipment which shall include a real time analytical device, suitable for the nature of the wastewater being monitored, to provide instantaneous indications of a potential discharge incident which may cause maximum limitations of the SIU's Wastewater Discharge Permit to be exceeded. Existing SIUs shall construct control manholes or other access facilities and install required monitoring equipment at all points of discharge of process wastewater and have the equipment in operation by December 1, 1993, or the compliance date for the subject pretreatment standard, whichever is earlier. New SIUs shall construct control manholes and install, and have ready for operation, monitoring equipment before beginning the discharge of wastewater. The city shall review the calibration procedure at the flow monitoring station and shall have the right to be present during calibration. Any violation of the requirements for the construction of control manholes and installation and operation of monitoring equipment shall be punishable by a fine of not less than five hundred dollars (\$500) for each daily violation. Each daily violation shall constitute a separate and distinct offense. Each SIU shall measure and record the following data on a schedule established in their permit: Total daily wastewater discharge (gallons per day) Concentration of each waste constituent or characteristic specified in the permit (mg/l) Total daily discharge of each waste constituent or characteristic specified in the permit (lb/day) All analyses shall be performed under the procedures outlined in Standard Methods for the Analysis of Water and Wastewater and Industrial Waste or, absent such standard methods, by analytical techniques approved by the United States Environmental Protection Agency.

The city may monitor and analyze the wastewater stream of any SIU on a daily basis when just cause exists. If at any time the rate of wastewater discharge or concentration or quantity of a constituent of characteristic exceeds the maximum limits established in the permit, the Utility Director shall be notified as required under § 30.03.2.4(i) and (j).

**Sec. 30.08.4. Limitations on point of discharge.**

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

**Sec. 30.08.5. Licensed commercial or industrial waste hauling.**

A person who is a licensed commercial or industrial waste hauler may discharge compatible pollutants and those incompatible pollutants within the limits of admissibility set out in article II to the wastewater treatment plant at a time and place and in such amounts as permitted by the board. The board shall not be

required to accept any such discharge if it elects in given cases not to do so. Wastewater so received must be preceded with a manifest of constituents and concentrations for each truck load. [Ord. No. 31-09]

**Sec. 30.08.6. Special agreements.**

Special agreements and arrangements between the City of West Lafayette and any person may be established when in the opinion of the Board of Public Works and Safety and/or the Utility Director, unusual or extraordinary circumstances compel special terms and conditions. The Board of Public Works and Safety and/or the Utility Director shall consider the total cost of application technology in relation to the pollutant reduction benefits to be achieved from such application, the quality of pollutants that will be included in the discharge, the impact of those pollutants on the wastewater treatment plant, collection system, receiving stream and such factors as the Board of Public Works and Safety and/or the Utility Director deems appropriate. There cannot be special agreements and arrangements where federal categorical pretreatment standards and requirements apply. No statement contained in this ordinance shall be construed as preventing any special agreement or arrangement between the City and any user whereby waste of unusual strength or character may be accepted by the city for treatment, subject to payment therefor by the user.

**Sec. 30.08.7 Liability for maintenance of pretreatment and other equipment.**

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

**ARTICLE IX. SEWER CHARGES, SURCHARGES AND SERVICE FEES.**

**Sec. 30.09.1. Persons subject to fees and sewer charges.**

For the use and service rendered by the sewage works, sewer charges shall be collected from the person who owns each and every parcel of real estate that is connected to the city's sewage system or otherwise discharges wastewater; sanitary sewage, industrial waste, water or other liquid, either directly or indirectly into the sewage system of the city, which sewer rates and charges shall be payable as provided in this article.

**Sec. 30.09.2. Effective date; extension to additional property.**

The sewer charges fixed by this article shall become effective at the time the user first discharges to the sewage system. These sewer charges shall be extended to and cover any additional premises thereafter served, without the necessity of any hearing or notice.

**Sec. 30.09.3. Rate basis.**

The sewer flow 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 measured by the water meter there in use, except as otherwise provided in this article. Sewage service rates shall be based upon the amount of water used, effective for all service rendered on and after the effective date of this chapter.

**30.09.3.1. Rates - General.** The water usage schedule on which the amount of rates and charges shall be determined is as follows:

Four dollars and fifty-six cents per one thousand gallons (\$4.56/1,000 gallons). This includes \$2.43/1,000 gallons for operations, maintenance and replacement and \$2.13/1,000 gallons for debt service. For service rendered after July 1, 2005, five dollars and eleven cents per one thousand gallons (\$5.11/1,000 gallons). This includes \$2.49/1,000 gallons for operations, maintenance and replacement and \$2.62/1,000 gallons for debt service. For service rendered after July 1, 2006, five dollars and sixty-one cents per one thousand gallons (\$5.61/1,000 gallons). This includes \$2.49/1,000 gallons for operations, maintenance and replacement and \$3.12/1,000 gallons for debt service.

The minimum charge for any service where the user is not a metered water consumer shall be based on the size of the service connection, but no such charge shall be less than the charge for the minimum gallonage for such meter size.

The water usage schedule on which the amount of rates and charges shall be determined for Purdue University is as follows:

A billing charge of \$3.75 per month plus a usage charge of four dollars and thirty-one cents per one thousand gallons (\$4.31/1,000 gallons). This includes \$2.17/1,000 gallons for operations, maintenance and replacement and \$2.14/1,000 gallons for debt service. For service rendered after July 1, 2005, a billing charge of \$4.00 per month plus a usage charge of four dollars and eighty-three cents per one thousand gallons (\$4.83/1,000 gallons). This includes \$2.22/1,000 gallons for operations, maintenance and replacement and \$2.61/1,000 gallons for debt service. For service rendered after July 1, 2006, a billing charge of \$4.25 per month plus a usage charge of five dollars and thirty-four cents per one thousand gallons (\$5.34/1,000 gallons). This includes \$2.22/\$1,000 gallons for operations, maintenance and replacement and \$3.12/1,000 gallons for debt service.

On or before June 1, 2005, the Common Council will review the wastewater utility revenues, expenses and rates and take any necessary action to maintain rates as required by applicable bond ordinances and as

recommended by the utility's financial advisor. (Ord. No. 12-04 §1)

30.09.3.2. Rates for Summer Months. To provide for water used during the summer months which does not pass through the sewage system, for one (1) family dwelling users only, sewage service bills for the months of June, July and August shall be rendered at the then current rate, but on the quantity actually used if the quantity used is less than or equal to the average consumption for the months of January, February and March. If the quantity used in June, July and August is greater than the average consumption for the months of January, February and March, the billing rendered shall be based on the average flow for the months of January, February and March for water used on the property or premises subject to such rates and charges; provided however, that if no prior sewage service bill was rendered for such property or premises during the said calendar year, then in that event the city may determine in such manner and by such method as it may deem practicable the percentage of metered water entering the sewage system. Such percentages when so determined shall constitute the basis for sewage services for the months of June, July and August; provided further, that one (1) family dwelling users desiring to pay sewage service charges for June, July and August in the manner provided in this article other than pursuant to the methods set out in this section, may notify the board requesting such election at least thirty (30) days prior to the time of mailing by the city of the billing to such user for the months of June, July and August of any calendar year.

Sec. 30.09.4. Procedure when water is obtained partially or wholly from sources other than the Indiana American Water Company.

In the event a user obtains water partially or wholly from sources other than the Indiana American Water Company, the total water used must be measured or determined as provided in § 30.07.2, or does not meter the same or, in the alternative, uses other water in addition to the regular waterworks utility, the following rates shall apply:

For a single family residence dwelling, the sewer flow charge shall be a flat rate based on 8,000 gallons/month unless a meter is installed on the well at the request of either the user or the city.

For any property other than a single family dwelling, it may be charged a flat rate as determined by the board.

For any property connected to the city's sewage system, the city may require the user to install a water meter and meter the amount of water used and submit a monthly reading for the billing.

(Ord. No. 14-11, Appendix A, item 12.)

Sec. 30.09.5. Minimum billing.

The minimum monthly charge shall be based upon the monthly minimum gallonage multiplied by the applicable rate for the size of the water meter as follows:

Meter Size	Monthly Minimum Gallons
5/8 inch	3,000
3/4 inch	4,000
1 inch	7,000
1 1/4 inch	12,000
1 1/2 inch	15,000
2 inch	24,000
3 inch	45,000
4 inch	75,000
6 inch	150,000
8 inch	240,000
10 inch	345,000
12 inch	645,000

In the event two (2) or more dwelling units, such as trailers, apartments or housekeeping rooms, discharging wastewater; sanitary sewage, water or other liquids into the city's 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. Unmetered users shall be subject to the minimum gallonage based upon size of water connection.

Sec. 30.09.6. Rates for the city.

For the services rendered to the city, the city shall be subject to the same rates and charges provided in this article, or to rates and charges established in harmony therewith.

Sec. 30.09.7. Portion of water not entering sewage system.

In the case of a user utilizing more than 1,000 gallons of water per average workday, who can substantiate to the city that a portion of said water does not and cannot enter the sewage system, the board shall either determine the portion of measured water to be used in determining the appropriate sewer charges, or approve the manner and technique of flow measurement provided by the user for determining wastewater discharge to the sewage system. Facilities utilized to accomplish this shall be installed and maintained in a serviceable condition by the user at the user's expense, but shall be under exclusive control of the city.

Sec. 30.09.8. General billing procedure.

(a) Monthly Billing. Sewer billings and invoices shall be rendered and collected approximately monthly. Such rates and charges shall be prepared and billed by the city, and shall be collected in the manner provided by Indiana Code chapter 36-9-23 and ordinances of the city. Fees collected shall be considered revenues of the Wastewater Treatment Utility.

(b) SIU's. SIU's with a flow in excess of 10,000 gallons per average workday shall have billing determined on the basis of wastewater discharged as

monitored per article VIII of this chapter, with the following exception:

At its option, the city may accept monitoring data and information from such a SIU to substantiate billing determination on a more frequent basis than as established in article VIII of this chapter. Such allowances, however, do not exempt the SIU from the surveillance survey fee set by the city to offset the costs of monitoring performed by the city. In the event there is a difference in analytical results that is not explainable by normal variation in the testing procedure, the user may, within thirty (30) days (calendar) of billing, appeal to the board.

(c) Appeals. A customer of the wastewater treatment utility may appeal any billing dispute to the board. Such appeal shall be filed in writing on forms prescribed by the board, together with supporting evidence. The board shall not consider an appeal unless filed within 30 days after the customer discovers or should have discovered the basis for claiming an error in billing. The board shall render a decision in writing within 30 days of submission of the appeal.

Sec. 30.09.9. Tenants may be billed; right of owners to examine records.

The sewer charges may be billed to the tenants occupying the premises served, unless otherwise instructed in writing by the person who owns the premises. Such billings shall in no way relieve the owner of liability in the event payment is not made as herein required. The owners of the premises served, which are occupied by tenants, shall have the right to examine the collection records of the city for the purpose of determining whether such sewer charges have been paid by such tenants; provided that such examination shall be made at the office at which the records are kept and during the hours that such office is open for business.

Sec. 30.09.10. Fire protection.

Where a metered water supply is used for fire protection as well as for other uses, the city may, in its discretion by and through the Board of Public Works and Safety, make adjustments in the minimum charge and in the use charge as may be equitable.

Sec. 30.09.11. Liability of city for charges.

For the service rendered to any department or agency of the city, except the Sewer Department, the city shall be subject to the sewer charges provided herein.

Sec. 30.09.12. Tap fees.

In the event that a sewer connection or any connection is made, after the effective date of this chapter, from any lot, parcel of real estate, or building or improvement of any kind, that connects with or uses the sewage system and/or POTW of the city, or that in any way directly or indirectly uses or is served by such sewage works, an

initial or additional connection charge or surcharge, otherwise provided by written contract as provided by law, with the Board of Public Works and Safety, shall be levied against said lot or parcel of real estate in accordance with the following charges or surcharges, hereinafter referred to as "tap fees":

Water Meter Size (Up to and including, in inches)	Tap Fee
0.75 .....	\$ 200.00
1.00 .....	\$ 280.00
1.50 .....	\$ 520.00
2.00 .....	\$ 670.00
3.00 .....	\$ 900.00
4.00 .....	\$1,130.00
6.00 .....	\$1,270.00

30.09.12.1. Tap fees shall be paid for all new connections and for existing connections when an increase in the number of dwelling units or allowable occupancy occurs because of an improvement for a residential usage or when a change in the type of use occurs for a business, commercial or industrial usage and a building permit is required.

30.09.12.2. Tap fees shall be paid, by check, to the Wastewater Treatment Billing Office for the city, and the City Engineer shall not issue a building sewer permit or an improvement location permit until presented with a receipt from the Wastewater Treatment Billing Office indicating that the tap fee has been paid and that the City Engineer has approved acceptance of the tap fee having verified that there is adequate capacity within the collection system whether privately or publicly owned, and the city's sewer system has adequate capacity for acceptance of the tap fee. Funds from the collection of the tap fees shall be placed into the operating account of the Wastewater Treatment Utility.

30.09.12.3. The surcharge shall constitute a lien against such lot, parcel of real estate, or building until paid and shall be collected in the manner provided by Indiana Code § 36-9-23-1 et al, or under any State statute repealed by Indiana Code § 19-2-5-30 and the ordinances of the city. The connection charges set out in this section shall be over and above any or all cost or charges for making the connection from the lot, parcel of real estate or building to the sewer and any assessments collected by the city from reimbursement agreements.

30.09.12.4. All building sewer permits for the connection to the city's sewer system that are outside the city's corporation limits shall include a waiver agreeing not to oppose any future annexation by the city.

Sec. 30.09.13. Surcharge based on flow and concentration of wastewater.

All wastewater discharged shall meet the admissibility standards in article II of this chapter, by pretreatment if necessary, as determined by the board. Wastewater, from any user, beyond the limits of admissibility set forth in this chapter may be accepted and surcharged in accordance with the schedule in §

30.09.14. Surcharges shall be based on actual quantities discharged for treatment as determined from measured concentrations and flow. Surcharge rates for wastewater characteristics not provided herein may be set at the reasonable discretion of the board, taking into account all of the Sewer Department's significant costs factors, relating to treatment, handling and disposal.

Sec. 30.09.14. Rates of surcharge.

The rates of surcharge, in addition to volumetric charges, for the following constituents shall be as follows:

- (a) for biochemical oxygen demand (BOD) in excess of 250 milligrams per liter: \$0.07 per pound,
- (b) for suspended solids in excess of 250 milligrams per liter: \$0.10 per pound, and
- (c) for ammonia in excess of 30 milligrams per liter: \$0.29 per pound.

Sec. 30.09.15. Sewer charges.

30.09.15.1. *Basic Sewer Charges.* For the use and the service rendered by said sewage works, volumetric sewer charges shall be paid and shall be in the amount determined as follows:

Parameter	Cost/Sample
BOD <sub>5</sub>	\$20.00
TSS and VSS	\$1.50
pH	\$30.00
Metals	\$30.00
Cyanide, Total	\$30.00
Volatile Organics	\$175.00
Oil and Grease	\$20.00
Ammonia Nitrogen	\$30.00
Kjeldahl Nitrogen	\$30.00

30.09.15.2 *Pretreatment Program Charges.*

- (a) Permit Fee - New \$600.00 (anticipated every four (4) years)
- (b) Annual Permit Review: \$75.00 (once per yr)
- (c) Program Administration Charge: \$.050/1000 gallons (subject to annual review) for SIUs only
- (d) Monitoring Setup/Teardown Fee: \$75.00 per event (anticipated 2/yr)

(e) Site Inspection Fee: \$35.00 per visit (anticipated 2/yr)

(f) Sample Analysis and minimum 2 samplings Reporting Fees per year. Charges based on cost per sample per parameter analyzed. Fee schedule to be as follows for the first year of program implemented and subject to annual review:

Parameter	Cost/Sample
BOD <sub>5</sub>	\$20.00
TSS and VSS	\$20.00
pH	\$1.50
Metals	\$30.00
Cyanide, Total	\$30.00
Volatile Organics	\$175.00
Oil and Grease	\$20.00
Ammonia Nitrogen	\$30.00
Kjeldahl Nitrogen	\$30.00

The board reserves the right to require additional parameters at a unit charge to be based on the city's cost of providing the service.

30.09.15.3. The board is empowered to determine rates, charges and fees for septic tank, industrial wastes and other disposable wastewater and wastes delivered to the wastewater treatment plant, as provided in § 30.08.5 of this chapter and to collect such charges and fees.

30.09.15.4. The board is empowered to determine and to collect such charges as it may reasonably provide for under special agreements and arrangements entered into by the board, on behalf of the city, under § 30.08.6 of this chapter.

Sec. 30.09.16. Delinquent accounts.

Charges for sewage service levied pursuant to this chapter shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately fifteen (15) days (calendar) after the bill is rendered) shall be considered delinquent. The delinquent charge shall be ten (10%) percent of the billed amount and shall be added to the next statement rendered unless by then paid. Delinquent sewage charges together with delinquent penalties, cost of collection, legal fees and other expenses of collection may be collected by any lawful remedy, including, where applicable, the placing of and foreclosure of liens on real estate as provided by state law.

Sec. 30.09.17. Annual review of rates.

On an annual basis, within a reasonable period of time following the normal accounting period, the board shall cause a study to be made for the purpose of reviewing the sufficiency, fairness, equity and proportionality of the rates and charges for wastewater treatment services. Upon completion of the study, the board shall

recommend new rates and charges to the Common Council.

#### ARTICLE X. ANNUAL REVIEW

##### Sec. 30.10.01. Annual review.

The board shall file with the mayor and common council of the city of West Lafayette during the first calendar quarter of each year beginning in the year 1993 an annual report for the previous calendar year showing the financial condition of the POTW and the following information, as well as other information the board may deem useful or appropriate:

- (a) the amount of volumetric charges collected,
- (b) the amount of surcharges collected,
- (c) the activities of the board and POTW, with respect to industrial surveillance and pretreatment,
- (d) plant and treatment facilities,
- (e) technical and other personnel, and
- (f) combined sewer overflows.

Such report shall contain, where appropriate, recommendations to the council for amendments to this chapter regarding rates, surcharges, industrial surveillance, limitations on pollutants and concentrations thereof, and all other matters either within the scope of this chapter or pertaining to collection and treatment of sewage.

#### ARTICLE XI. SEVERABILITY.

##### Sec. 30.11.01. Severability.

If any provision, paragraph, word, or article of this chapter 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.