ORDINANCE NO. 12-2683

An Ordinance to supersede Ordinance No. 96-2199, "An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and waste into the public sewer system of the City of Shelbyville, Indiana, and providing penalties for violations thereof."

FILED
CITY CLERK-TREASURER
AUG 3 2012
FRANK M. ZERR

Be It Ordained by the Common Council of the City of Shelbyville, Indiana:

ARTICLE I

GENERAL PROVISIONS

Section 1.01 Purpose and Policy

This Ordinance sets forth uniform requirements for Dischargers into the Publicly Owned Treatment Works (POTW) Authority wastewater collection and treatment systems, and enables the "Authority" to protect public health in conformity with all applicable Local, State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403) relating thereto.

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the Authority wastewater system which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
2. To prevent the introduction of pollutants into the Authority wastewater system which do not receive adequate treatment in the POTW, and which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system;
3. To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. To regulate the use of public and private sewers and the installation and connection of building sewers.
5. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
6. To promote reuse and recycling of industrial wastewater and sludge from the POTW.
7. To enable the City of Shelbyville to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This Ordinance provides for the regulation of discharges into the Authority wastewater system through the enforcement of administrative regulations. This Ordinance does not provide for the recovery of operations, maintenance or replacement costs of the POTW or the costs associated with the construction of collection and treatment systems used by Industrial Dischargers, in proportion to their use of the POTW, which are the subject of separate enactments.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

ARTICLE II

DEFINITIONS & ABBREVIATIONS

Section 2.01 Definitions

1. Act – The Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq. (Pub. L. No. 92-500), as amended by the Clean Water Act (Pub. L. No. 95-217) of 1977 and Clean Water Act (Pub. L. No. 97-117) of 1981.

2. Applicable Pretreatment Standard – Any pretreatment limit or prohibitive standard (Federal, State and/or Local) contained in the Ordinance and considered to be the most restrictive with which non-domestic users will be required to comply.

3. Approval Authority – The director in an NPDES state with an approved State Pretreatment Program or the Administrator of the EPA in a non-NPDES State or an NPDES state without an approved State Pretreatment Program.

4. Authorized or Duly Authorized Representative of Industrial User – An authorized representative of an industrial user may be: (A) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (B) A general partner or proprietor, if the industrial user is a partnership or proprietorship, respectively; (C) A director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee, if the industrial user is a Federal, State, or local governmental facility. (D) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position is responsible for the overall operation of the facilities from which the indirect discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City of Shelbyville.

4A. Authority – The City of Shelbyville, Indiana, provided, wherever applicable, the Board of Works and Safety shall be the Administer of the Ordinance.

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

6. Average Weekly Discharge Limitation – The highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all daily discharges measured during that week.

7. Beneficial Uses – These uses 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.

8. Best Management Practices or BMPs – Means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

9. Biochemical Oxygen Demand (or BOD) – This 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 days at 20 degrees C. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of "Standard Methods".

10. Board – Shall mean the Board of Public Works and Safety of the City of Shelbyville, Indiana, or any duly authorized officials acting in its behalf.

11. Building (or House) Drain – Shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the buildings and conveys it to a point approximately five feet outside the foundation wall of the building.

12. Building (or House) Sewer – Shall mean the pipe which is connected to the building (or house) drain at a point approximately five feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.

13. Categorical Pretreatment Standard or Standard of Categorical Standard - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

14. Categorical Industrial User – An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

15. Chemical Oxygen Demand (or COD) – This 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 the latest edition of "Standard Methods".

16. City - The City of Shelbyville, Indiana, or any duly authorized officials acting in its behalf.

17. Combined Sewer - A sewer intended to receive both wastewater and storm or surface water.

18. Compatible Pollutant - Any biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus pollutants identified in the NPDES Permit, if the treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in order of 80 percent or greater. Minor incidental removals in the order of 10 to 30 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include: (A) chemical oxygen demand; (B) total organic carbon; (C) phosphorus and phosphorus compounds; (D) nitrogen and nitrogen compounds, and (E) fats, oils, and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

19. Composite Sample - A composite sample should contain a minimum of eight discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading in highly variable.

20. Daily Discharge - Discharge of a pollutant "measured during a calendar day or any 24-hour period that reasonable represents the calendar day for purposes of sampling."

21. Daily Maximum – The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

22. Daily Maximum Limit – The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

23. Easement – An acquired legal right for the specific use of land owned by others.

24. Effluent – Shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

25. U.S. Environmental Protection Agency (or EPA) – The U.S. Environmental Protection Agency, or

where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

26. Existing Source – Any source of discharge that is not a "New Source."

27. Fecal Coliform – Any of a number of organism common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

28. Floatable Oil – Any oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the City.

29. Garbage – Any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.

30. Grab Sample – A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

31. Ground (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 sewerage system, with no particle being greater than one-half (1/2) inch in dimension.

32. Incompatible Pollutant – Any pollutant that is not defined as a compatible pollutant, including non-biodegradable dissolved solids.

33. Indirect Discharge or Discharge – The introduction of pollutants into the POTW from any nondomestic source.

34. Industrial Sewage – Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from any industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resources.

35. Industrial User – Any industrial establishment that discharges wastewater to a publicly owned treatment works.

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

37. Inflow – The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, and combined sewers, catch basins, storm waters, surface run-off, street wash waters or drainage. (Inflow does not include, and is distinguished from infiltration.)

38. Infiltration/Inflow – The total quantity of water from both infiltration and inflow without distinguishing the source.

39. Influent – The water, together with any wastes that may be present flowing into a drain, sewer, receptacle, or outlet.

40. Inspector – The person(s) duly authorized by the City, through the Board of Public Works and Safety, to inspect and approve the installation of building sewers and their connection to the public sewer system.

41. Instantaneous Limit – The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

42. Interference – The inhibition or disruption of the POTW treatment processes or operations. The

term also includes a discharge that causes a violation of any requirement of the City's NPDES Permit, including an increase in the magnitude or duration of a violation. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Clean Water Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), the Clean Air Act (42 U.S.C. 7401), the Toxic Substances Control Act (15 U.S.C. 2601), or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941) applicable to the method of disposal or use employed by the POTW).

43. Local Limit – Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

44. Maximum Daily Discharge Limitations – Highest allowable "daily discharge".

45. May – Indicates a discretionary conditions.

46. Medical Waste – Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

47. Monthly Average – The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

48. Monthly Average Limit – The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

49. National Categorical Pretreatment Standard or Pretreatment Standard – Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act which applies to a specific category of industrial users. Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

50. New Source – Any source, the construction of which is started after the publication of proposed regulations stating a Categorical Pretreatment Standard will be applicable to such source, provided the Standard is promulgated within 120 days of its proposal in the Federal register. Where the Standard is promulgated later than 120 days after its proposal, a new source means any source in which construction is started after the date of promulgation of the Standard.

    (A) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
        i. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
        ii. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
        iii. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

    (B) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (A)(ii) or (iii) above but otherwise alters, replaces, or adds to existing process or production equipment.

(C) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

i. Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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

51. Noncontact Cooling Water – Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

52. Normal Domestic Sewage – The same meaning as for sanitary sewage.

53. NPDES Permit – National Pollutant Discharge Elimination system Permit which sets the conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of PL 95-217 (33 U.S.C. 1342).

54. Outlet – Any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.

55. Pass Through – A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of [the City's] NPDES permit, including an increase in the magnitude or duration of a violation.

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

57. pH – The logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gramatons per liter of solution. A measure of the acidity or alkalinity of a solution, expressed in standards units.

58. Pollutant – Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

60. Pretreatment – The treatment of industrial sewage from privately-owned industrial sources prior to introduction into a public treatment works. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means,

except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

61. Pretreatment Requirements – Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

62. Primary Sewer Main – The public sewer main which is required to transport sewage from the property line of the nearest prospective customer to the proposed point of connection at the Sewage Works' existing sewer main.

63. Prohibited Discharge Standards or Prohibited Discharges – Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 3.01 of this ordinance.

64. Publicly Owned Treatment Works (POTW) – The Shelbyville Sewage Treatment and Collection Facilities. A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by the City of Shelbyville. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

65. Receiving Stream – The watercourse, stream, or body of water receiving the waters finally discharged from the wastewater treatment plant.

66. Sanitary Sewage – Sewage discharged from the sanitary conveniences of dwellings (including apartment houses, hotels and motels, office building, factories or institutions) and free from stream water, surface water and industrial wastes.

67. Secondary Sewer Main – The public sewer main which is required to provide service from a prospective customer to the primary sewer main.

68. Septic Tank Waste – Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

69. Service Charge – The basic charge levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above on which a surcharge will be made.

70. Sewage – The water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and stream waters as may be present.

71. Sewage Treatment Plant – The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.

72. Sewage Works – The organization and all facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.

73. Sewer – A pipe or conduit for carrying sewage or other waste liquids.

73.1 Private Sewer – A sewer which is not owned by a public authority.

73.2 Public Sewer – A primary sewer or secondary sewer in which all owners of abutting property have equal rights and which is controlled by the Sewage Works.

73.3 Sanitary Sewer – A sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.

73.4 Storm Sewer – A sewer which carries storm and surface water drainage, but excludes

sewage.

74. Sewerage System or Sewage System – The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.

75. Shall – Mandatory.

76. Significant Industrial User (SIU) – Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

76.1 An Industrial User subject to categorical Pretreatment Standards; or

76.2 An Industrial User that:
(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
(c) Is designated as such by [the City] on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

76.3 The City of Shelbyville may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
(a) The Industrial User, prior to [City's] finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
(b) The Industrial User annually submits the certification statement required in Section 5.06.14 B. [see 40 CR 403.12(q)], together with any additional information necessary to support the certification statement; and
(c) The Industrial User never discharges any untreated concentrated wastewater.

76.4 Upon a finding that a User meeting the criteria in Subsection 76.2 of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, [the City] may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

77. Sludge - Any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other waste having similar characteristics and effects as defined in standards issued under Sections 402 and 405 of the Federal Act (33 U.S.C. 1342 and 1345) and in the applicable requirements under Sections 3001, 3004, and 4004 of the Solid Waste Disposal Act, PL 94-580 (42 U.S.C. 6921, 6924, and 6944).

78. Slug, Slug Load, or Slug Discharge - Shall mean any discharge of water, sewage or industrial waste which in concentrations of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation. Any discharge which could cause a violation of the prohibited discharge standards in Section 3.01 of this subchapter. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

79. Standard Industrial Classification (SIC) – A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

81. Storm Water – Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

82. Superintendent – The person designated by the City of Shelbyville to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this subchapter. The term also means a Duly Authorized Representative of the Authority.

83. Surcharge – The extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the Sewage Works a burden greater than that covered by the basic service charge.

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

85. Total Revenue – That revenue obtained for monthly minimum billing for the use of and service rendered by the Sewage Works and does not include front foot assessments, permit or inspection fees or other charges.

86. Total Solids – The sum of suspended and dissolved solids.

87. Toxic Amount – Concentrations of any pollutant or combination of pollutants which upon exposure to any organism will cause adverse effects such as cancer, genetic mutations, and physiological manifestations, as defined in standards issued pursuant to Section 307(a) of PL 95-217 (33 U.S.C. 1317 (a)).

88. Toxic Pollutant – Those substances referred to in Section 307(a) (33 U.S.C. 1317 (a)) of the Act, as well as any other known potential substances capable of producing toxic effects.

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

90. Upset – An exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the applicable standard due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation of the facilities.

91. User or Industrial User – Any person that discharges, causes, or permits the discharge of Wastewater into the sewerage system.

92. Volatile Organic Matter – The material in the sewage solids transformed to gases or vapors when heated 550 degrees C. for 15 to 20 minutes.

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

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

95. Wastewater Treatment Plant or Treatment Plant – That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

96. Watercourse - A channel in which a flow of water occurs either continuously or intermittently.

Section 2.02 Abbreviations

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
Gpd	Gallons per day
IU	Industrial User
mg	Milligrams
mg/l	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
O & M	Operation & Maintenance
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code
WWTP	Wastewater Treatment Plant

ARTICLE III

REGULATIONS

Section 3.01 General Discharge Prohibitions

GENERAL PROHIBITIONS: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

SPECIFIC PROHIBITIONS: No discharge shall contribute or cause to be discharged, directly or indirectly, and of the following described substances into the wastewater disposal system or otherwise to the facilities of the Authority:

3.01.01 Pollutants, which cause or create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test method specified in 40 CFR 261.21.

3.01.02 Solid or viscous substances in amounts which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system [but in no case solids greater than three inch(es) (3") or seven and sixty two hundreds centimeter(s) (7.62 cm) in any dimension].

3.01.03 Any wastewater having a pH less than 5.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel of the system.

3.01.04 Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards. A toxic pollutant shall include, but not be limited to, any pollutant identified in the EPA Toxic Pollutant Priority List.

3.01.05 Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

3.01.06 Any substance which may cause the POTW's effluent or treatment residues, sludges, 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 sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act (33 U.S.C. 1345); any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or State standards applicable to the sludge management method being used.

3.01.07 Any substance which will cause the POTW to violate its NPDES and/or other Disposal System Permits.

3.01.08 Any substance with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW's effluent, thereby violating the City of Shelbyville's NPDES permit.

3.01.09 Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference; but in no case, wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C. (104 degrees F.)

3.01.10 Any slugload, which shall mean any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference to the POTW.

3.01.11 Any wastewater which causes a hazard to human life or creates a public nuisance.

3.01.12 Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as exceeds limits established by the Authority in compliance with applicable State or Federal regulations.

3.01.13 Any petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one-hundred (100) mg/l of which not more than twenty-five (25) mg/l is soluble oils, or containing substances which may solidify or become so highly viscous as to retard flow in the sewer system at temperatures between thirty-two (32) degrees and one-hundred fifty (150) degrees F. (0 and 65 degrees C.)

3.01.14 Any garbage that has not been properly shredded. The installation and operation of any garbage grinder (other than in a residence) may be subject to the review and approval of the Authority.

3.01.15 Any waters or wastes containing strong, acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

3.01.16 Any waters or wastes containing phenols or other taste or odor-producing substances after treatment of the composite sewage, in such concentrations exceeding limits which may be established by the Authority as necessary to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the respective waters.

3.01.17 Any materials which exert or cause:

A. Unusual concentrations of inert, suspended solids (such as, but not limited to, Fullers earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate.)

B. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions.)

C. Unusual Biochemical Oxygen Demand, Chemical Oxygen Demand, or Chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant.

3.01.18 The admission into the public sewers of any waters or wastes having: (A) a five (5) day Biochemical Oxygen Demand greater than two-hundred (200) mg/l by weight, or (B) containing more than two-hundred fifty (250) mg/l by weight of suspended solids, or (C) having an average daily flow greater than two (2%) percent of the average daily sewage flow of the City, shall be subject to the review and approval of the Authority. Where necessary in the opinion of the Authority, the Owner shall provide at his expense, such preliminary treatment as may be necessary to: (A) reduce the Biochemical Oxygen Demand to two-hundred (200) mg/l and the suspended solids to two-hundred fifty (250) mg/l by weight, or (B) reduce objectionable characteristics or constituents to within the maximum limits provided in Section 3.01, or (C) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Authority and of the IDEM and no construction of such facilities shall be commenced until said approval is obtained in writing.

3.01.19 Trucked or hauled pollutants, except at discharge points designated by the Authority in accordance with Section 3.02.047 of this subchapter;

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

3.01.21 Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the Authority;

3.01.22 Medical Wastes, except as specifically authorized by the Authority in an individual wastewater discharge permit or a general permit;

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

3.01.24 Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;

3.01.25 Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than [ten percent (10%)] or any single reading over [ten percent (10%)] of the Lower Explosive Limit of the meter.

3.01.26 Sludges, screenings, or other residues from the pretreatment of industrial wastes;

Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

Section 3.02 General Rules

3.02.01 It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon public or private property within the City of Shelbyville, Indiana, or in any area under the jurisdiction of said City, any human or animal excrement, garbage or other objectionable waste.

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

3.02.03 No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the City, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this Ordinance and the NPDES Permit.

3.02.04 Except as hereinafter provided in Paragraphs 3.02.30 to 3.02.42, inclusive, no person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

3.02.05 The Owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, provided that said public sewer is within one-hundred fifty (150) feet of the property line.

3.02.06 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 Board of Public Works and Safety.

3.02.07 No person shall make any connection with the public sewers or drains, or with any extension or connection previously made, without first obtaining a written permit from the Board of Public Works and Safety. The application for such permit must be made in writing not later than the day previous to the opening of the street by the Owner or authorized agent of the property to be drained, and must be accompanied by a clear description of the premises, the name of the Owner, the number of fixtures to be connected therewith, the name of the person employed to do the work, and the permit fee in the amount determined by the Board. All such applications must be filed with the Clerk-Treasurer.

3.02.08 All costs and expenses incident to the installation and connection of the building sewer shall be borne by the Owner. The Owner or the person installing the building sewer for said Owner shall indemnify said City from any loss or damage that may directly or indirectly be occasioned by said installation.

3.02.09 A separate and independent building sewer shall be provided for every building, except where two buildings are in close proximity and no private sewer is available or can be constructed to the second building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the second building and the whole considered as one building sewer.

3.02.10 Old building sewers may be used in connection with new buildings only when they are found on examination and test by the City Engineer to meet all requirements of this Ordinance.

3.02.11 The building sewer shall be cast iron soil pipe, ASTM specification or equal; vitrified clay sewer pipe, ASTM specification or equal or other suitable material as governed by the Indiana Uniform Plumbing Code in effect as of the date of adoption of this Ordinance, and any provisions thereof which may be amendatory thereof or supplemental thereto from time to time hereafter, and as shall be approved by the Authority. Joints shall be tight and waterproof. Any part of the building sewer that is located within ten (10) feet of water service pipe shall be constructed of cast iron soil pipe with leaded joints. Cast iron pipes with leaded joints may be required by the Authority 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, except that non-metallic material may be accepted if laid on a suitable concrete bed or cradle as approved by the Authority.

3.02.12 The size and slope of the building sewers shall be subject to the approval of the Authority, but in no event shall the diameter be less than six (6) inches for single family or duplex residential units and not less than six (6) inches for all other uses. The slope of such six (6) inch pipe shall be not less than one-fourth (1/4) inch per foot or sufficient slope to maintain a two (2) feet per second velocity in the sewer.

3.02.13 Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (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 insofar as possible. Changes in direction shall be made only with properly curved pipes and fittings.

3.02.14 In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be lifted by approved artificial means and discharged to the building sewer.

3.02.15 All excavations required for the installation of a building sewer shall be open trench work, unless otherwise approved by the Authority. 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 Authority or his representative.

3.02.16 All joints and connections shall be made gas tight and watertight, and as governed by the Indiana Uniform Plumbing Code in effect as to the date of adoption of this Ordinance, and any Provisions thereof which may be amendatory thereof or supplemental thereto from time to time hereafter.

A. Cast iron joints shall be firmly packed with oakum or hemp and filled with molten lead, Federal Specification 00-L-156, not less than one (1) inch deep. Lead shall be run in one (1) pouring and caulked tight. No paint, varnish or other coatings shall be permitted on the jointing material until after the joint has been tested and approved. Approved joints of prefabricated elastomeric seal rings or sleeves may also be used.

B. All joints in vitrified clay pipe shall be made with ASTM C425 type joints. Joints between clay pipe and pipe of other materials shall be made with approved adapter fittings or prefabricated elastomeric sealing rings or sleeves.

C. Other jointing materials and methods may be used only upon approval of the Authority.

3.02.17 The connection of the building sewer into the public sewer shall be made at the "Y" branch, if such branch is available at a suitable location. If the public sewer does not have a properly approved tapping saddle in the public sewer at the location specified by the Authority, the tapping saddle shall be installed in a neatly tapped hole cut into the public sewer; said connection between the tapping saddle and the public sewer shall be secured by the use of epoxy compound. The centerline of the building sewer at the tapping saddle shall be at or above the centerline of the public sewer. A smooth neat joint shall be made and the connection made secure and water tight. Special fittings may be used for the connection only when approved by the Authority.

3.02.18 The applicant for the building sewer permit shall notify the Authority twenty-four (24) hours in advance of when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Authority or his representative.

3.02.19 All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be stored in a manner satisfactory to the said City.

3.02.20 Any connection made contrary to the provisions of this Article shall be removed when required by the Board of Public Works and Safety.

3.02.21 No proposed connection or inlet shall be permitted if, in the opinion of the Board of Public Works and Safety and the Authority, such inlet and connection would overburden such sewer.

3.02.22 Storm water and any other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Authority. Industrial cooling water or unpolluted process waters may be discharged upon approval of the Authority and the State of Indiana into a storm sewer or natural outlet.

3.02.23 Fats, grease, oil and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing grease and oil, or sand in excessive amounts, or any flammable wastes, and other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority, and shall be located as to be readily and easily accessible for cleaning and

inspection. Such interceptors shall be inspected, cleaned, and repaired by the User at their expense.

3.02.24 Fats, grease, oil and sand interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which when bolted in place shall be gas tight and watertight.

3.02.25 Where installed, all fats, grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times.

3.02.26 Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation, by the Owner at his expense.

3.02.27 No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefore by the industrial concern; provided, however, that the payment shall not be less than the pollutant surcharges provided for in Ordinance No. 1801 of said City and all Ordinances amendatory thereof and supplemental thereto.

3.02.28 No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Sewage Works.

3.02.29 Plans, specifications, and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the City and the State of Indiana and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the Owner at his expense and shall be subject to periodic inspection by the City to determine that such facilities are being operated in conformance with applicable Federal, State and Local laws and permits. The Owner shall maintain operating records.

3.02.30 Where a public sanitary or combined sewer is not available under the provisions of Paragraph 3.02.05, the building sewer shall be connected to a private sewage disposal system complying with the provisions of Paragraphs 3.02.30 to 3.02.42, inclusive.

3.02.31 At any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City, where there is installed a water carriage sewage disposal system which is not connected to a proper public sewer system, there shall be established, installed or constructed and maintained at no expense to the City, a private sewage disposal system which shall comply with the recommendations of the Indiana State Board of Health.

3.02.32 At any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the City, where there is installed a privy, said privy shall be of the sanitary type and shall be constructed and maintained at no expense to the City to comply with the recommendations of the Indiana State Board of Health.

3.02.33 All private residential sewage disposal systems and privies shall be installed, constructed and maintained at no expense to the City in an approved manner as described and illustrated in Bulletin S.E. 8 and S.E. 11 by the Indiana State Board of Health, copies of which are herewith incorporated by reference as part of this Paragraph and two (2) copies of which are kept on file in the office of the City Clerk for public inspection.

3.02.34 Should any defect occur in any private water carriage sewage disposal system or privy which would cause said sewage disposal system or privy to fail to meet the requirements in Paragraphs 3.02.31, 3.02.32, and 3.02.33, the defect shall be corrected immediately

by the Owner or agent of the Owner, Occupant or agent of the Occupant, at no expense to the City. Failure on the part of the Owner or agent of the Owner, Occupant or agent of the Occupant to do so shall be a violation of this Article and he shall be subject to the penalties prescribed in Articles VI and VII of this Ordinance.

3.02.35 Wherever a public sewer becomes available to a house, building or property used for human occupancy, employment, recreation or other purposes, served by a private sewage disposal system or privy, as provided for in Paragraph 3.02.05 situated within the City, a direct connection shall be made to the public sewer and any septic tanks, seepage pits, privy pits and similar sewage disposal and treatment facilities shall be abandoned and filled in a safe and sanitary manner.

3.02.36 Within thirty (30) days after receiving an official order in writing from the Authority, the Owner or agent of the Owner, the Occupant or agent of the Occupant of the property, shall comply with the provisions of this Article set forth in the official order of the Authority, except as provided for in Paragraph 3.02.05. Said official order shall be served on the Owner and the Occupant or on the agent of the with the Owner, has assumed the duty of complying with the provisions of an official order.

3.02.37 Before commencement of construction of a private sewage disposal system, the Owner or agent of the Owner, shall first obtain a written permit from the Board of Public Works and Safety. The application for such permit shall be made to the Clerk-Treasurer on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary buy the Board of Public Works and Safety. A permit and inspection fee in the amount determined by the Board shall be paid to the Clerk-Treasurer at the time the application is filed.

3.02.38 A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Authority. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify this Authority when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the Authority or duly authorized representative.

3.02.39 No person shall deposit waste products of septic tanks, cesspools, dry well, privies, or other waste disposal systems into the sewage disposal system of the City, except at a point or points designated for such deposits by the Board of Public Works and Safety.

3.02.40 Any person depositing any waste products referred to in Paragraph 3.02.39 hereof into the sewage disposal system shall pay a fee to the City of One (1) Dollar per one hundred gallons of waste products so deposited, payable at the office of the Clerk-Treasurer at such times as designated by the Board of Public Works and Safety.

3.02.41 Any person depositing waste products referred to in Paragraph 3.02.39 hereof into the sewage disposal system shall pay a license fee to the City of Twenty-five (25) Dollars per year, payable at the office of the Clerk-Treasurer on or before the first day of May of each calendar year.

3.02.42 Every person so depositing waste products referred to in Paragraph 3.02.39 hereof into the sewage disposal system shall be subject to inspection by officials designated to make such inspections by the Board of Public Works and Safety, and said persons making such inspections shall have the right to require any person depositing said waste products in the sewage disposal system to meet proper sanitation requirements in the delivery and depositing of said waste products.

3.02.43 The Authority and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to inspection, observation, measurements, sampling repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said

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

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

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

3.02.46 Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.02.47 Hauled Wastewater

A. The Authority may require haulers of industrial waste to obtain individual wastewater discharge permits or general permits. The Authority may require generators of hauled industrial waste to obtain individual wastewater discharge permits or general permits. The Authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

B. Industrial waste haulers may discharge loads only at locations designated by the Authority. No load may be discharged without prior consent of the Authority. The Authority may collect samples of each hauled load to ensure compliance with applicable Standards. The Authority may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

C. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Section 3.03 Limitations on Wastewater Strength - Industrial Users Shall be required to Meet the Applicable Pretreatment Standard as Defined in Article II.2.

3.03.01 National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, are hereby incorporated into this ordinance and shall be met by all dischargers of the regulated categories, if more stringent than State or Local limits.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentration or mass limits in accordance with Section 3.03.01E and F.

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Authority may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Authority shall impose an alternate limit in accordance with 40 CFR 403.6(e).

D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

1. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the [City]. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (ii) of this Section are met.
2. Criteria.
   a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
   b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
   c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
   d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The [City] may waive this requirement if it finds that no environmental degradation will result.

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City of Shelbyville convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Authority. The City of Shelbyville may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 3.03.01E1.a. through E1.e. below.

1. To be eligible for equivalent mass limits, the Industrial User must:
   a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
   b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
   c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual

average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in Section 3.03.01F1.c. Upon notification of a revised production rate, the Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the Authority:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.03.04. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

F. The Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Authority.

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section 3.03.01 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.

H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.

3.03.02 State Requirements

State requirements and limitations on discharges to the POTW shall be met by all Dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable Ordinance.

3.03.03 Right of Revision

The Authority reserves the right to amend this Ordinance to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in Section 1.01 of this Ordinance.

3.03.04 Dilution

No Discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with standards set forth in this Ordinance. The Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

3.03.05 Municipal Supplemental Limitations

A. The Authority is authorized to establish Local limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against pass through and interference. No industrial user shall discharge wastewater containing concentrations of the following enumerated materials, exceeding the following values:

Material	Concentration (mg/l)
Arsenic	1.0
Cadmium	1.0
Copper	4.0
Cyanide	1.0
Lead	1.0
Mercury	0.10
Nickel	4.0
Hexavalent Chromium	2.5
Total Chromium	5.0
Zinc	4.0
Silver	1.0
PCB's	None
Phenol	10.0

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

1. In cases where the standard requires compliance with a Best Management Practice (BMP), the user shall submit documentation as

required by the authority or applicable standards to determine compliance with the standard.

2. These limitations are based on process, boiler, blow-down and cooling water and any combination thereof. Any other waters added prior to the point of monitoring shall reflect lower limitations.
3. The Authority may impose mass limitations on Dischargers which are using dilution to meet the Pretreatment Standards or Requirements of this Ordinance, or in other cases where the imposition of mass limitations is deemed appropriate by the Authority.

C. The Authority may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits or general permits, to implement Local Limits and the requirements of Section 3.01.

Section 3.04 Accidental Discharges

3.04.01 Each Discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this Ordinance. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. Each existing Discharger shall complete its plan and submit same to the Authority within 180 days of adoption of this Ordinance. No Discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until Accidental Discharge Protection Procedures have been approved by the Authority.

3.04.02 In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Authority of the incident.

Review and approval of such plans and operating procedures by the Authority shall not relieve the Discharger from the responsibility to modify its facility as necessary to meet the requirements of this Ordinance.

3.04.03 Discharges shall notify the Authority immediately upon the occurrence of a 'slugload', or accidental discharge of substances prohibited by this Ordinance. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting the potential for a Slug Discharge. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any Discharger who discharges a slugload of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the Authority on account thereof under State or Federal law.

3.04.04 Within five (5) days following such discharge, the User shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

3.04.05 A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur are advised of the emergency notification procedure.

3.04.06 Dischargers must notify the Authority immediately of any changes at the facility affecting the potential of a slug discharge. The authority will reevaluate the current slug control plan and determine if a new plan is necessary.

3.04.07 The Authority shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the Authority may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges;
B. Description of stored chemicals;
C. Procedures for immediately notifying the Authority of any accidental or Slug Discharge, as required by Section 6.6 of this ordinance; and
D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

ARTICLE IV

FEES

Section 4.01 Purpose

It is the purpose of this Article to provide for payment of fees from Industrial Dischargers to the Authority's wastewater disposal system, to compensate the Authority for the cost of administration of the pretreatment program established herein.

Section 4.02 Charges and Fees

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

4.02.01 Fees for wastewater discharge permit applications including the cost of processing such applications;

4.02.02 Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;

4.02.03 Fees for reviewing and responding to accidental discharge procedures and construction;

4.02.04 Fees for filing appeals;

4.02.05 Fees to recover administrative and legal costs (not included in Section 4.02.02 associated with the enforcement activity taken by the Authority to address IU noncompliance; and

4.02.06 Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Authority.

4.02.07 The fee for administration of the Industrial Wastewater Pretreatment Program shall be as stated in Ordinance No. 1801 (User Charge Ordinance).

ARTICLE V

ADMINISTRATION

Section 5.01 Administration

Except as otherwise provided herein, the Authority shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Authority may be delegated by the Authority to a duly authorized City of Shelbyville employee.

Section 5.02 Wastewater Dischargers

5.02.01 It shall be unlawful to discharge sewage, industrial wastes or other wastes to any sewer in the jurisdiction of the Authority, and/or to the POTW without having first complied with the terms of this Ordinance.

5.02.02 It shall be unlawful for any significant Industrial User to discharge any wastestream to the POTW without an Industrial User Permit, except as authorized by the Authority in accordance with the provisions of this Ordinance. Any violation of the terms and/or conditions of an Industrial User Permit shall be deemed a violation of this section.

5.02.03 Obtaining an Industrial User Permit does not relieve a permittee of its obligation to obtain other permits required by Federal, State, or Local law.

Section 5.03 Individual Wastewater Discharge Permits and General Permits

5.03.01 Wastewater Analysis

When requested by the Authority, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.

5.03.02 Individual Wastewater Discharge Permit and General Permit Requirement

A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit or a general permit from the Authority, except that a Significant Industrial User that has filed a timely application pursuant to 5.03.03 of this ordinance may continue to discharge for the time period specified therein.

B. The Authority may require other Users to obtain individual wastewater discharge permits or general permits as necessary to carry out the purposes of this ordinance.

C. Any violation of the terms and conditions of an individual wastewater discharge permit or a general permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to the sanctions set out in Articles 6, 7, and 12 of this ordinance. Obtaining an individual wastewater discharge permit or a general permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

5.03.03 Individual Wastewater Discharge and General Permitting: Existing Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who was discharging wastewater into the POTW prior to the effective date of this ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Authority for an individual wastewater discharge permit or a general permit in accordance with 5.03.05 of this ordinance, and shall not

cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this ordinance except in accordance with an individual wastewater discharge permit or a general permit issued by the Authority.

5.03.04 Individual Wastewater Discharge and General Permitting: New Connections

Any User required to obtain an individual wastewater discharge permit or a general permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual wastewater discharge permit or general permit, in accordance with Section 5.03.05 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

5.03.05 Individual Wastewater Discharge and General Permit Application Contents

A. All Users required to obtain an individual wastewater discharge permit or a general permit must submit a permit application. Users that are eligible may request a general permit under Section 5.03.06. The Authority may require Users to submit all or some of the following information as part of a permit application:

1. Identifying Information.
   a. The name and address of the facility, including the name of the operator and owner.
   b. Contact information, description of activities, facilities, and plant production processes on the premises;
2. Environmental Permits. A list of any environmental control permits held by or for the facility.
3. Description of Operations.
   a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
   b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
   c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
   d. Type and amount of raw materials processed (average and maximum per day);
   e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
4. Time and duration of discharges;
5. The location for monitoring all wastes covered by the permit;
6. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 3.03.01 C. (40 CFR 403.6(e)).
7. Measurement of Pollutants.
   a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
   b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Authority, of regulated pollutants in the discharge from each regulated process.

c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.06.10 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable Standards to determine compliance with the Standard.
e. Sampling must be performed in accordance with procedures set out in Section 5.06.11 of this ordinance.

8. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 5.06.04 B. [40 CFR 403.12(e)(2)].
9. Any request to be covered by a general permit based on 5.03.06
10. Any other information as may be deemed necessary by the Authority to evaluate the permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

5.03.06 Wastewater Discharge Permitting: General Permits

A. At the discretion of the Authority, the Authority may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the Authority, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

B. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with 5.06.04 B. for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Authority has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 5.06.04B.

C. The Authority will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Sections 5.03.06 A. 1. to 5. and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

D. The Authority may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the Combined Wastestream Formula (Section 3.03.01 C.) or Net/Gross calculations (Section 3.03.01 D).

5.03.07 Application Signatories and Certifications

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 5.06.14 A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Authority prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial User by the Authority pursuant to Section 2.01 76.3 must annually submit the signed certification statement in 5.06.14 B.

5.03.08 Individual Wastewater Discharge and General Permit Decisions

The Authority will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete permit application, the Authority will determine whether to issue an individual wastewater discharge permit or a general permit. The Authority may deny any application for an individual wastewater discharge permit or a general permit.

Section 5.04 Wastewater Discharge Permits Data Disclosure

5.04.01 General Disclosure

All Industrial Dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall comply with all terms of this Ordinance within ninety (90) days after the effective date of this Ordinance.

5.04.02 Industrial Dischargers shall complete and file with the Authority, a disclosure declaration in the form prescribed by the Authority. Existing Industrial Dischargers shall file disclosure forms within ninety (90) days after the effective date of this Ordinance, and proposed new Dischargers shall file its disclosure forms at least ninety (90) days prior to connecting to the POTW. The disclosure to be made by the Discharger shall e made on written forms provided by the Authority and shall cover:

A. Disclosure of name, address, and location of the Discharger;

B. Disclosure of Standard Industrial Classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972 as amended;

C. Disclosure of wastewater constituents and characteristics including, but not limited to, those mentioned in the Ordinance, as determined by bonafide chemical and biological analysis. Sampling the analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, as amended;

D. Disclosure of time and duration of discharges;

E. Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the Authority due to cost or nonfeasibility.

F. Disclosure of site plans, floor plans, mechanical and plumbing plans and details

to show all sewers, sewer connections, inspection manholes, sampling chambers appurtenances by size, location and elevation;

G. Description of activities, facilities and plant processes on the premised, including all materials which are or may be discharged to the sewers or works of the Authority;

H. Disclosure of the nature and concentration of any pollutants or materials prohibited by this Ordinance in the discharge, together with a statement regarding whether or not compliance is being achieved with this Ordinance on a consistent basis and if not, whether additional pretreatment required for the Discharger to comply with this Ordinance.

I. Where additional pretreatment and/or operation and maintenance activities will be required to comply with this Ordinance, the Discharger shall provide a declaration of the shortest schedule by which the Discharger will provide such additional operational and maintenance activities.

1. The schedule shall contain milestone dates for the commencement and completion major events leading to the construction and operation of additional pretreatment required for the Discharger to comply with the requirements of the Ordinance including, but not limited to, dates relating to hiring an Engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance.

2. Under no circumstance shall the Authority permit a time increment for any single step directed toward compliance which exceeds nine (9) months.

3. Not later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the Discharger shall submit a progress report to the Authority, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Discharger to return the construction to the approved schedule. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

J. Disclosure of each product produced by type, amount, process or processes and rate of production;

K. Disclosure of the type and amount of raw materials utilized (average and maximum per day).

L. All disclosure forms shall be signed by a principal executive officer of the Discharger, or duly Authorized representative.

M. All sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 48 inches containing flow measuring, recording and sampling equipment as required by the Authority to assure compliance with this Ordinance.

5.04.03 The Authority will evaluate the complete disclosure form and data furnished by the Discharger and may require additional information. After full evaluation and acceptance of the data furnished, the Authority shall notify the Discharger of the Authority's acceptance thereof.

5.04.04 Standards Modification

The Authority reserves the right to amend this Ordinance and the terms and conditions hereof in order to assure compliance by the Authority with applicable laws and regulations. Within nine (9) months of the promulgation of a National Categorical Pretreatment Standard, this Ordinance shall be amended to require compliance by Dischargers with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of the Ordinance shall be adopted by the Authority as part of this Ordinance. Where Discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted a disclosure form as required by Paragraph 5.04.02, the Discharger shall file a disclosure form with the Authority within 180 days after the promulgation of the Applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, and Discharger operating on the basis of a previous filing of a disclosure statement, shall submit to the Authority within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard, the additional information required by (H) and (I) of Paragraph 5.04.02. The Discharger shall be informed of any proposed changes in the Ordinance at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the Ordinance shall include a reasonable time schedule for compliance.

Section 5.05 Individual Wastewater Discharge and General Permit Issuance

5.05.01 Individual Wastewater Discharge and General Permit Duration

An individual wastewater discharge permit or a general permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual wastewater discharge permit or a general permit may be issued for a period less than five (5) years, at the discretion of the Authority. Each individual wastewater discharge permit or a general permit will indicate a specific date upon which it will expire.

5.05.02 Individual Wastewater Discharge Permit and General Permit Contents

An individual wastewater discharge permit or a general permit shall include such conditions as are deemed reasonably necessary by the Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Individual wastewater discharge permits and general permits must contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
2. A statement that the wastewater discharge permit is nontransferable without prior notification to the City of Shelbyville in accordance with 5.05.05 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
3. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
4. Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with 5.06.04 B.
6. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for

compliance beyond that required by applicable Federal, State, or local law.

7. Requirements to control Slug Discharge, if determined by the Authority to be necessary.
8. Any grant of the monitoring waiver by the Authority (§50.052(F)(4)(b)) must be included as a condition in the User's permit [or other control mechanism].

B. Individual wastewater discharge permits or general permits may contain, but need not be limited to, the following conditions:

1. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
2. Requirements for the development of a compliance schedule by each User for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works, and designed to meet applicable pretreatment standards and requirements;
3. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
4. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
5. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
6. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
7. A statement that compliance with the individual wastewater discharge permit or the general permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit or the general permit; and
8. Other conditions as deemed appropriate by the Authority to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations.

5.05.03 Public Notification

The Authority will publish [in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, or on a Web page], a notice to issue a pretreatment permit, at least ten (10) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

5.05.04 Permit Appeals

Any person, including the User, may petition the Authority to reconsider the terms of an individual wastewater discharge permit or a general permit within thirty (30) days of notice of its issuance.

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

B. In its petition, the appealing party must indicate the individual wastewater discharge permit or a general permit provisions objected to, the reasons for this

objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit or a general permit.

C. The effectiveness of the individual wastewater discharge permit or a general permit shall not be stayed pending the appeal.

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

E. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit or general permit decision must do so by filing a complaint with the Superior or Circuit Court for Shelby County within thirty (30) days.

5.05.05 Permit Modification

A. The Authority may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the City of Shelbyville's POTW, City of Shelbyville personnel, or the receiving waters;
5. Violation of any terms or conditions of the individual wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
8. To correct typographical or other errors in the individual wastewater discharge permit; or
9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with §50.052(E)(5).

B. The Authority may modify a general permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
2. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
3. To correct typographical or other errors in the individual wastewater discharge permit; or
4. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with §50.052(E)(5).

5.05.06 Individual Wastewater Discharge Permit and General Permit Transfer

Individual wastewater discharge permits or coverage under general permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Authority and the Authority approves the individual wastewater discharge permit or the general permit coverage transfer. The notice to the Authority must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit or general permit.

Failure to provide advance notice of a transfer renders the individual wastewater discharge permit or coverage under the general permit void as of the date of facility transfer.

5.05.07 Individual Wastewater Discharge Permit and General Permit Revocation

The Authority may revoke an individual wastewater discharge permit or coverage under a general permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Authority of changed conditions pursuant to 5.06.05 of this ordinance;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports and certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the Authority timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or the general permit or this ordinance.

Individual wastewater discharge permits or coverage under general permits shall be voidable upon cessation of operations or transfer of business ownership. All individual wastewater discharge permits or

general permits issued to a User are void upon the issuance of a new individual wastewater discharge permit or a general permit to that User.

5.05.08 Individual Wastewater Discharge Permit and General Permit Reissuance

A User with an expiring individual wastewater discharge permit or general permit shall apply for individual wastewater discharge permit or general permit reissuance by submitting a complete permit application, in accordance with 5.03.05 of this ordinance, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit or general permit.

5.05.09 Regulation of Waste Received from Other Jurisdictions

Wastewater from another municipality or User located within another municipality shall not be discharged into the wastewater disposal system or otherwise to the facilities of the Authority.

Section 5.06 Reporting Requirements for Discharger

5.06.01 Baseline monitoring reports

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

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

1. All information required in Sections 5.03.05 A. 1. a., 5.03.05 A. 1., 5.03.05 A. 3. a., and 50.03.05 A. 6.
2. Measurement of pollutants.
   a. The User shall provide the information required in Section 5.03.05 A. 7. a. through d.
   b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
   c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
   d. Sampling and analysis shall be performed in accordance with Section 5.06.10;
   e. The Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides

information sufficient to determine the need for industrial pretreatment measures;

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 2.01 4. and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 5.06.02 of this ordinance.

5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 5.06.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

5.06.02 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 5.06.01 B. 4. of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

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

D. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

5.06.03 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Authority a report containing the information described in Sections 5.03.05 A. 6. and 7. and 5.06.01 B. 2. of this ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 3.03.01, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be

signed and certified in accordance with Section 5.06.14 A. of this ordinance. All sampling will be done in conformance with Section 5.06.11.

5.06.04 Periodic Compliance Reports

A. Except as specified in 5.06.04 C., all Significant Industrial Users must, at a frequency determined by the Authority submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. Flows shall be reported on the basis of actual measurement provided, however, where cost or feasibility considerations justify, the Authority may accept reports of average and maximum flows estimated by verifiable techniques. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User. The Authority, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of the reports on months other than those specified above.

B. The City of Shelbyville may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
2. The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 5.03.05 A. 8.
3. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
4. The request for a monitoring waiver must be signed in accordance with Section 2.01 4, and include the certification statement in Section 5.06.14 A. (40 CFR 403.6(a)(2)(ii)).
5. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
6. Any grant of the monitoring waiver by the Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Authority for 3 years after expiration of the waiver.
7. Upon approval of the monitoring waiver and revision of the User's permit by the Authority, the Industrial User must certify on each report with the statement in Section 5.06.14 C. below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
8. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations,

the User must immediately: Comply with the monitoring requirements of Section 5.06.04 A., or other more frequent monitoring requirements imposed by the Authority, and notify the Authority.

9. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. The City of Shelbyville may reduce the requirement for periodic compliance reports [see Section 5.06.04 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the [EPA/State], where the Industrial User's total categorical wastewater flow does not exceed any of the following:

1. Four Hundred (400) gallons per day; and
2. Organic Treatment Capacity of the POTW]; and
   a. Organic Matter – 0.63 lbm/day
   b. BOD – 0.52 lbm/day
3. Maximum Allowable Headworks Loading
   a. $CBOD_5$ – 0.89 lbm/day
   b. TSS – 1.07 lbm/day
   c. Ammonia as Nitrogen – 0.15 lbm/day
   d. Mercury – 0.88 lbm/day

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the [Superintendent], decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

D. All periodic compliance reports must be signed and certified in accordance with 5.06.14 A of this ordinance.

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

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Authority, using the procedures prescribed in Section 5.06.11 of this ordinance, the results of this monitoring shall be included in the report.

5.06.05 Reports of Changed Conditions

Each User must notify the Authority of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

A. The Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 5.03.05 of this ordinance.

B. The Authority may issue an individual wastewater discharge permit or a general permit under Section 5.05.07 of this ordinance or modify an existing wastewater

discharge permit or a general permit under Section 5.05.04 of this ordinance in response to changed conditions or anticipated changed conditions.

C. The Authority may deny/condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by the Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit.

5.06.06 Reports of Potential Problems

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

B. Within five (5) days following such discharge, the User shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

5.06.07 Reports from Unpermitted Users

All Users not required to obtain an individual wastewater discharge permit or general permit shall provide appropriate reports to the Authority as the Authority may require.

5.06.08 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City of Shelbyville performs sampling at the User's facility at least once a month, or if the City of Shelbyville performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City of Shelbyville receives the results of this sampling, or if the City of Shelbyville has performed the sampling and analysis in lieu of the Industrial User unless it notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

5.06.09 Notification of the Discharge of Hazardous Waste

The Authority prohibits the discharge of any hazardous waste into the wastewater disposal system or otherwise to the facilities of the Authority.

5.06.10 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other parties approved by EPA.

5.06.11 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in paragraphs B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the City of Shelbyville, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City of Shelbyville, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 5.06.01 and 5.06.03 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the reports required by Section 5.06.04 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

5.06.12 Date of Receipt of Reports

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

5.06.13 Recordkeeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 3.03.05 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City of Shelbyville, or where the User has been specifically notified of a longer retention period by the Authority.

5.06.14 Certification Statements

A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 5.03.07; Users submitting baseline monitoring reports under Section 5.06.01 B.5.; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 5.06.03; Users submitting periodic compliance reports required by 5.06.04 A. through D., and Users submitting an initial request to forego sampling of a pollutant on the basis of 5.06.04. The following certification statement must be signed by an Authorized Representative as defined in Section 2.01.4.

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Authority pursuant to Section 2.01 76.3 and Section 5.03.07 C. must annually submit the following certification statement signed in accordance with the signatory requirements in 2.01 76.3. This certification must accompany an alternative report required by the Authority:

> Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:
>
> 1. The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 2.01.76;
>
> 2. The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
>
> 3. The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

_____

_____

C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 5.06.04 B. must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 5.06.04 A.

5.06.15 Reports of Dischargers shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the Authority. The frequency of monitoring by the Discharger shall be as prescribed in the applicable Pretreatment Standard of this Ordinance or as determined necessary by the Authority. The specific parameters to be monitored shall be prescribed by the Authority at the time of approval of the discharge as provided in Paragraph 5.02.02. All analysis shall be performed in accordance with 40 CFR, Part 136, and amendments thereto. (Comment: Where 40 CFR, Part 136, does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Pollutants for Priority Pollutants, April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.)

A. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples maybe composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate.

B. For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12 (b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the reports required by paragraphs 40 CFR 403.12 (e) and (h), the Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

C. If an Industrial User subject to the reporting requirement in 40 CFR 403.12 (e) or (h) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Authority, using the procedures prescribed in 40 CFR 403.12 (g)(5), the results of this monitoring shall be included in the report.

D. Notification of Change in Flow or Waste Loadings

Any industrial user which plans to significantly change its waste characteristics must notify the Authority 90 days prior to such change and resubmit the disclosure form as outlined in Paragraph 5.02.02.

E. Baseline Report – 40 CFR Part 403.12(b)

1. Within 180 days after the effective date of a Categorical Pretreatment Standard, or 180 days after the final administrative decision made on a category, whichever is later, existing industrial users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW will be required to submit to the Control Authority a report containing the information listed in paragraph (b) (1) - (7) of 40 CFR Part 403.12(b).
2. Upon promulgation of a Categorical Pretreatment Standard, the Control Authority (either U.S. EPA, State, or POTW) 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.

F. Signatory Requirement

All applications, self-monitoring reports, BMR's, Compliance Reports, Disclosure forms or any other pretreatment form report or schedule must contain the following certification statement signed by a responsible corporate official, general partner or proprietor, or other duly authorized representative:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The duly authorized employee must be an individual or person having responsibility for the overall operation of the facility or the Pretreatment Program. This authorization must be made in writing by the principal executive officer or ranking elected official, and submitted to the Approval Authority prior to or together with the report being submitted.

Section 5.07 Monitoring Facilities

5.07.01 Each Discharger shall provide and operate at the Discharger's own expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the Authority. Each monitoring facility shall be situated on the Discharger's premises, except where such a location would be impractical or cause undue hardship on the Discharger, the Authority may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed

by landscaping or parked vehicles.

5.07.02 There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the Discharger.

5.07.03 All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days from the effective date of the Ordinance.

Section 5.08 Inspection and Sampling

5.08.01 The Authority shall have the right to enter the premises of any User to carry out all inspection, surveillance and monitoring necessary to determine, independent of information supplied by the User, whether the User is in compliance with all requirements of this ordinance and any individual wastewater discharge permit or general permit or order issued hereunder. Users shall allow the Authority or its representatives, upon presentation of credentials of identification, ready access to all parts of the premises at all reasonable hours for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The representatives of the city shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the city shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.

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

B. The Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct random compliance sampling and/or metering of the User's operations, independent of information supplied by the User.

C. The Authority shall have the right to investigate instances of noncompliance with this ordinance and any individual wastewater discharge permit or general permit. Sample taking and analysis and the collection of other information, independent of information supplied by the User, shall be performed with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions.

D. The Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

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

F. Unreasonable delays in allowing the Authority access to the User's premises shall be a violation of this ordinance.

5.08.02 Search Warrants. If the Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of Shelbyville designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Authority may seek issuance of a search warrant from the Circuit or Superior Court of the County of Shelby.

Section 5.09 Pretreatment Requirements

Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in 3.01 of this ordinance within the time limitations specified by EPA, the State, or the Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City of Shelbyville under the provisions of this ordinance.

Section 5.10 Confidential Information

5.10.01 Information and data furnished to the Authority with respect to nature and frequency of discharge shall be available to the public or governmental agency without restriction unless the Discharger specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the Discharger. Any such request must be asserted at the time of submission of the information of data.

5.10.02 When requested and demonstrated by a Discharger furnishing a report that such information should be held confidential, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal Permit and/or the Pretreatment Programs provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the Discharger furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 will not be recognized as confidential information and shall be available to the public without restriction.

5.10.03 Information accepted by the Authority as confidential shall not be transmitted to any governmental agency or to the general public by the Authority until and unless a ten (10) day notification is given to the Discharger.

Section 5.11 Publication of Users in Significant Noncompliance

The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (3), (4) or (8) of this Section) and shall mean:

5.11.01 Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

5.11.02 Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

5.11.03 Any other violation of a Pretreatment Standard or Requirement as defined by Section 3.01 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

5.11.04 Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;

5.11.05 Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or a general permit or enforcement order for starting construction, completing construction, or attaining final compliance;

5.11.06 Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

5.11.07 Failure to accurately report noncompliance; or

5.11.08 Any other violation(s), which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

ARTICLE VI

ENFORCEMENT

Section 6.01 Emergency Suspension of Service

6.01.01 The Authority may for good cause shown suspend the wastewater treatment service to a Discharger when it appears to the Authority that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interfere with the operation of POTW, or violate any pretreatment limits imposed by this Ordinance. Any Discharger notified of the suspension of the Authority's wastewater treatment service shall immediately and effectively halt or prevent all discharges. In the event of failure of the Discharger to comply voluntarily with the suspension order within the specified time, the Authority shall commence judicial proceedings immediately thereafter to compel the Discharger's compliance with such order. The Authority shall reinstate the wastewater treatment service and terminate judicial proceedings pending proof by the Discharger of the elimination of the non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

6.01.02 The Authority may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Authority may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Authority prior to the date of any show cause or termination hearing under Sections 6.02 or 6.04 of this ordinance.

Section 6.02 Termination of Discharge

The Authority may seek to terminate the wastewater treatment services to any User who violates the following conditions:

A. Violation of individual wastewater discharge permit or general permit conditions;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the Discharger's premises by representative of the Authority for the purpose of inspection, monitoring, or sampling;

E. Violation of the Pretreatment Standards in Section 5.06 of this ordinance; or

F. Violates the conditions of this Ordinance, or any final judicial order entered with respect thereto.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6.04 of this ordinance why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

Section 6.03 Notification of Violation – Administrative Adjustment

When the Authority finds that a User has violated, or continues to violate, any provision of this ordinance including Section 6.02 (above), an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may serve upon or cause to be served upon that User a written Notice of Violation personally or by certified mail, return receipt requested. Within 30 days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Authority. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

Section 6.04 Show Cause Hearing

The Authority may order a User which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Article II and required by Section 5.03.05. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User. The proceedings at the hearing shall be considered by the Authority which shall then enter appropriate orders with respect to the alleged improper activities of the Discharger in accordance with I.C. 4-22-1-14.

Section 6.05 Judicial Proceedings

Following the entry of any order by the Authority with respect to the conduct of a Discharger contrary to the provisions of Section 6.02 hereof, the attorney for the Authority may, following the authorization of such action by the Authority, commence an action for appropriate legal and/or equitable relief in the Henry County Circuit or superior Court.

Section 6.06 Enforcement Actions - Annual Publication

A list of all significant Dischargers which were the subject of enforcement proceedings pursuant to Article 6 of this Ordinance during the twelve (12) previous months, shall be annually published by the Authority in the largest daily newspaper, published in the municipality in which the Authority is located, summarizing the enforcement actions take against the dischargers during the same 12 months who were in Significant Noncompliance.

A Significant Industrial User is in Significant Noncompliance if its violation meets the criteria in Section 5.11.

Section 6.07 Right of Appeal

Any Discharger or any interested party shall have the right to request in writing an interpretation or ruling by the Authority on any matter covered by this Ordinance and shall be entitled to a prompt written reply.

In the event that such inquiry is by a Discharger and deals with matters of performance or compliance with this Ordinance for which enforcement activity relating to an alleged violation is the subject, receipt of a Discharger's request shall stay all enforcement proceedings pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this Ordinance may be taken in accordance with I.C. 4-22-1-14.

Section 6.08 Operating Upsets

6.08.01 Any Discharger which experiences an upset in operations which places the Discharger in a temporary state of non-compliance with this Ordinance shall inform the Authority thereof within twenty-four (24) hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the discharger with the Authority within five (5) days. The report shall specify:

A. Description of the upset, the cause thereof and the upset's impact on a Discharger's compliance status.

B. Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonable expected to occur.

C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions on non-compliance.

6.08.02 A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the Authority against a Discharger for any non-compliance with the Ordinance which arises out of violations alleged to have occurred during the period of the upset.

Section 6.09 Consent Orders

The Authority may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.10 and 6.11 of this ordinance and shall be judicially enforceable.

Section 6.10 Compliance Orders

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

Section 6.11 Cease and Desist Orders

When the Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

ARTICLE VII

PENALTIES

Section 7.01 Civil/Criminal Penalties

7.01.01 A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the City of Shelbyville for a maximum civil or criminal penalty of $2,500 per violation, per day for the first violation and $7,500 per violation, per day for subsequent violations. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

7.01.02 The Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City of Shelbyville.

7.01.03 In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

7.01.04 Filing a suit for civil or criminal penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 7.02 Recovery of Costs Incurred by the Authority

Any Discharger violating any of the provisions of the Ordinance, or who discharges or causes a discharge producing a deposit or obstruction, or causes damage to or impairs the Authority's wastewater disposal system shall be liable to the Authority for any expense, loss, or damage caused by such violation or discharge. The Authority shall bill the Discharger for the costs incurred by the Authority for any cleaning, repair, or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of this Ordinance enforceable under the provisions of Article VI of this Ordinance.

Section 7.03 Falsifying Information

Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to the Ordinance, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by the imposition of a civil penalty of not more than $2,500 per occurrence per day and criminal prosecution as applicable under State law.

Section 7.04 Injunctive Relief

When the Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may petition the Circuit or Superior Court of Shelby County through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, the general permit, order, or other requirement imposed by this ordinance on activities of the User. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

Section 7.05 Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will

generally be in accordance with the City of Shelbyville's enforcement response plan. However, the Authority may take other action against any User when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant User.

ARTICLE VIII

RECORDS RETENTION

Refer to Section 5.06.13 of this Ordinance.

ARTICLE IX

BILLING AND COLLECTION OF CHARGES AND RATES

Section 9.01 Billing of Customer Charges

Sewage service bills shall be rendered once each month or at such times as may be determined hereafter by the Board at the same time as water service bills of the municipal Water Utility of said City are, or may from time to time be rendered and shall be payable at the same time as water service bills of said Utility are payable. Such sewage service bills shall be based upon the rates and charges for the use of and service rendered by said Sewage Works, as described in Ordinance No 1801 of said City and all ordinances amendatory thereof and supplemental thereto. The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the Owners; but such billings shall in no way relieve the Owner from liability in the event payment is not made as herein required. The Owners of the properties 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 rates and charges have been paid by such tenants; provided that such examination shall be made at the office at which said records are kept and during the hours that such office is open for business.

Section 9.02 Penalty for Delinquent Payment

The rates or charges made pursuant to the terms of this Ordinance against any lot, parcel or real estate or building that is connected with and uses such Sewage Works by or through any part of the sewage system of the Sewage Works by or through any part of the Sewage system of the City, or that or that in any way uses or is served by such Works, shall be a lien, and the same are hereby declared, made and constituted a lien upon and against any such lot, parcel or real estate or building. Such lien, after written notice to the Owner of any such lot, parcel of real estate or building, shall attach as such rates or charges become due and payable, and shall be superior to and take precedence over all other liens except the lien for taxes, and shall be enforced as hereinafter set out. Such rates or charges so established shall be paid within thirty (30) days after same are due. If such rates or charges are not paid within said thirty (30) day period after written notice to the Owner of any such lot, parcel or real estate or building, the same shall thereupon become and hereby are declared to be delinquent and a penalty of ten percent (10%) of the amount of such rates or charges shall thereupon attach thereto, which rates or charges, together with the penalty shall be collectible in the manner hereinafter provided.

Section 9.03 Collection of Delinquent Charges by County Auditor

It shall be the duty of the officer of the Sewage Works of said City, charged with the collection of such rates or charges, to enforce payment thereof, together with the penalty hereinabove provided. Said officer shall from time to time each year, certify to the County Auditor a list of such rates or charges, including the amount of the penalty, which have become delinquent. Such list shall include the name or names of the Owner or Owners of each and every lot, parcel of real estate or building on which such rates or charges have become delinquent, the description of such premises as shown by the records of the Office of the County Auditor, and the amount of such rates or charges, together with the amount of penalty. It shall be the duty of the County Auditor to place and include any such rates or charges, including the amount of the penalty, on the tax list, roll of taxes or tax duplicate, in the appropriate place thereon, in respect to the premises on which any such rates or charges and penalty are due and payable in such manner and pursuant to the terms of Chapter 299 of the Acts of 1945 of the General Assembly of the State of Indiana and all acts amendatory thereof or supplemental thereto.

Section 9.04 Foreclosure of Lien

In addition to the methods of collection of such rates or charges, including the penalty thereon, when the same become delinquent as hereinabove provided, the Sewage Works shall have the right to foreclose the lien hereinbefore established. In all suits brought to foreclose such lien, the Sewage Works shall recover the amount of such rates on charges and the penalty thereon, together with a reasonable attorney's fee, pursuant to the terms of Chapter 299 of the Acts of 1945 of the General Assembly of the State of Indiana, and all acts amendatory thereof or supplemental thereto.

Section 9.05 Administrative Fines

9.05.01 When the Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may fine such User in an amount not to exceed $2,500 for the first offense and $7,500 for subsequent offenses. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

9.05.02 Unpaid charges, fines, and penalties shall, after thirty (30) calendar days be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of ten percent (10%) per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties.

9.05.03 Users desiring to dispute such fines must file a written request for the Authority to reconsider the fine along with full payment of the fine amount within sixty (60) days of being notified of the fine. Where a request has merit, the Authority may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

9.05.04 Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

ARTICLE X

SEVERABILITY

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

ARTICLE XI

CONFLICT

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE XII

SUPPLEMENTAL ENFORCEMENT ACTION

Section 12.01 Penalties for Late Reports

A penalty of $300.00 shall be assessed to any User for each day that a report required by this ordinance, a permit or order issued hereunder is late, beginning five days after the date the report is due [higher penalties may also be assessed where reports are more than 30-45 days late]. Actions taken by the Authority to collect late reporting penalties shall not limit the Authority's authority to initiate other enforcement actions that may include penalties for late reporting violations.

Section 12.02 Performance Bonds

The Authority may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the City of Shelbyville, in a sum not to exceed a value determined by [the Superintendent] to be necessary to achieve consistent compliance.

Section 12.03 Liability Insurance

The Authority may decline to issue or reissue an individual wastewater discharge or a general permit to any User who has failed to comply with any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

Section 12.04 Payment of Outstanding Fees and Penalties

The Authority may decline to issue or reissue an individual wastewater discharge permit or a general permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or a previous general permit or order issued hereunder.

Section 12.05 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

Section 12.06 Public Nuisances

A violation of any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Authority. Any person(s) creating a public nuisance shall be subject to the provisions of Chapter 93 of the Shelbyville Code of Ordinances governing such nuisances, including reimbursing the City of Shelbyville for any costs incurred in removing, abating, or remedying said nuisance.

Section 12.07 Informant Rewards

The Authority may pay up to one hundred dollars ($100.00) for information leading to the discover of noncompliance by a User. In the event that the information provided results in a civil penalty [or an administrative fine] levied against the User, the Authority may disperse up to ten percent (10%) of the collected fine or penalty to the informant. However, a single reward payment may not exceed five thousand dollars ($5,000.00).

Section 12.08 Contractor Listing

Users which have not achieved compliance with applicable Pretreatment Standards and Requirements are not eligible to receive a contractual award for the sale of goods or services to the City of Shelbyville. Existing contracts for the sale of goods or services to the City of Shelbyville held by a User found to be in Significant Noncompliance with Pretreatment Standards or Requirements may be terminated at the discretion of the Authority.

ARTICLE XIII

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

Section 13.01 Upset

13.01.01 For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

13.01.02 An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of Section 13.01.03, below, are met.

13.01.03 A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

A. An upset occurred and the User can identify the cause(s) of the upset;

B. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

C. The User has submitted the following information to the Authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:

1. A description of the indirect discharge and cause of noncompliance;
2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

13.01.04 In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

13.01.05 Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

13.01.06 Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

Section 13.02 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 3.01 A. General Prohibitions of this ordinance or the specific prohibitions in Sections 3.01 B. of this ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

13.02.01 A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or

13.02.02 No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the City of Shelbyville was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

Section 13.03 Bypass

13.03.01 For the purposes of this Section,

A. Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.

B. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

13.03.02 A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Sections 13.03.03 and 13.04.04.

13.03.03 Bypass Notifications

A. If a User knows in advance of the need for a bypass, it shall submit prior notice to the Authority, at least ten (10) days before the date of the bypass, if possible.

B. A User shall submit oral notice to the Authority of an unanticipated bypass that exceeds applicable Pretreatment Standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

13.03.04 Bypass

A. Bypass is prohibited, and the Authority may take an enforcement action against a User for a bypass, unless

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and (c) The User submitted notices as required under Section 13.03.03.

B. The Authority may approve an anticipated bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in paragraph A of this Section.

APPROVAL OF ORDINANCE

Passed by the Common Council on first reading this 20th day of August, 2012.

VOTE: Ayes 7 Nays 0

MAYOR

ATTEST:

Frank Zerr

Clerk-Treasurer

Passed by the Common Council on second and final reading this 20th day of August, 2012.

VOTE: Ayes 7 Nays 0

MAYOR

ATTEST:

Frank Zerr

Clerk-Treasurer

Presented by me to the Mayor of the City of Shelbyville, Indiana, this 20th day of August, 2012.

Frank Zerr

Clerk-Treasurer

Approved by me and signed this 20th day of August, 2012.

MAYOR