

ORDINANCE NO. 2000-1

SEWER USE ORDINANCE

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system of the Blue Lake Conservancy District, Whitley County, Indiana, and providing penalties for violations thereof.

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE BLUE LAKE CONSERVANCY DISTRICT, WHITLEY COUNTY, INDIANA:**

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

- (a) "Ammonia" (or  $\text{NH}_3\text{-N}$ ) shall mean the same as Ammonia Nitrogen measured as Nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (11).
- (b) "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five (5) days at 20 degrees Celsius. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods".
- (c) "Board" shall mean the Board of Directors of the Blue Lake Conservancy District, Whitley County, Indiana, or any duly authorized officials or Boards acting in its behalf.
- (d) "Building (or House) Drain" - The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five (5) feet outside the foundation wall of the building.

Building Drain - Sanitary - A building drain which conveys sanitary or industrial sewage only.

Building Drain - Storm - A building drain which conveys storm water or other clean water drainage, but no wastewater.

- (e) "Building (or House) Lateral Sewer" - The extension from the building drain to the sewerage system or other place of disposal. (Also called house connections.)

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

Building Sewer - Storm - A building sewer which conveys storm water or other clean water drainage, but no wastewater.

- (f) "Carbonaceous Biochemical Oxygen Demand" (or CBOD) - Five day measure at pollutant parameters Carbonaceous Biochemical Oxygen Demand.
- (g) "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
- (h) "Compatible Pollutant" shall mean biochemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the NPDES Permit if the treatment works was designed to treat such pollutants and in fact does remove such pollutants to a substantial degree. The term substantial degree is not subject to precise definition, but generally contemplates removals in the order of 80 percent or greater. Minor incidental removals in the order of 10 to 50 percent are not considered substantial. Examples of the additional pollutants which may be considered compatible include:
  - (1) chemical oxygen demand,
  - (2) total organic carbon,
  - (3) phosphorus and phosphorus compounds,
  - (4) nitrogen and nitrogen compounds, or
  - (5) fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).
- (i) "District" shall mean the Blue Lake Conservancy District acting by and through the Board of Directors.
- (j) "Easement" shall mean an acquired legal right for the specific use of land owned by others.
- (k) "Fecal Coliform" shall mean any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.
- (l) "Floatable Oil" shall mean oil, fat or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the District.
- (m) "Garbage" - Any solid wastes from the preparation, cooking or dispensing of food and from handling, storage or sale of produce.

- (v) "Major Contributor" - A contributor that:
- (1) has a flow of more than 5,000 gallons per average workday.
  - (2) has in its waste a toxic pollutant in toxic amounts as defined in Section 307(a) of the Federal Act or State Statutes and rules.
  - (3) has a flow greater than five (5) percent of flow carried by the municipal system receiving the waste.
  - (4) is found by the District, State Control Agency or the U. S. Environmental Protection Agency (USEPA) to have significant impact, either singly or in connection with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
- (w) "NPDES Permit" - National Pollutant Discharge Elimination System Permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to Section 402 of Public Law 95-217.
- (x) "Natural Outlet" shall mean any outlet, including storm sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or ground water.
- (y) "pH" shall mean the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams per liter of solution.
- (z) "Person" - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, partnership, copartnership, joint stock company, trust, estate, association, society, institution, enterprise, governmental agency, the State of Indiana, the United States of America, or other legal entity, or their legal representatives, agents, or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.
- (aa) "Phosphorus" (or P) shall mean the chemical element phosphorus, total. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" as defined in paragraph (kk).
- (bb) "Pretreatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d); and shall include all applicable rules and regulations contained in the code of Federal Regulations as published in the Federal Register, under

Section 307 of PL 95-217, under regulation 40 CFR Part 403 pursuant to the Act, and amendments.

- (cc) "Private Sewer" shall mean a sewer which is not owned by public authority.
- (dd) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (ee) "Public Sewer" shall mean a sewer which is owned and controlled by the public authority and will consist of the following increments:

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

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

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

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

- (ff) "Sanitary Sewer" shall mean a sewer which carries sanitary and industrial wastes, and to which storm, surface and ground water are not intentionally admitted.
- (gg) "Sewage" shall mean the combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions (including polluted cooling water). The two most common types of sewage are:

Sanitary Sewage shall mean the combination of liquid and water-carried wastes discharged from toilet and other sanitary pumping facilities.

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

- (hh) "Sewage Works" shall mean the structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.
- (ii) "Sewer" shall mean a pipe or conduit for carrying sewage.

- (jj) "Shall" is mandatory; "May" is permissive.
- (kk) "Slug" - Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than five (5) minutes more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation and which adversely affects the sewage works.
- (ll) "Standard Methods" shall mean the laboratory procedures set forth in the latest edition, at the time of analysis, of "Standard Methods for the Examination of Water and Wastewater" prepared and published jointly by the American Public Health Association, the American Water Works Association and The Water Pollution Control Federation.
- (mm) "Storm Sewer" shall mean a sewer for conveying water, ground water or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.
- (nn) "Superintendent" shall mean the Superintendent of the Blue Lake Conservancy District, Whitley County, Indiana, or his authorized deputy, agent or representative.
- (oo) "Suspended Solids" (or S.S.) - 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 determination shall be made in accordance with procedures set forth in "Standard Methods".
- (pp) "Total Solids" shall mean the sum of suspended and dissolved solids.
- (qq) "Toxic Amount" - Concentrations of any pollutant or combination of pollutants which upon exposure to or assimilation into any organism will cause adverse effects, such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to the Clean Water Act (Section 307A of Public Law 92-500).
- (rr) "Unpolluted Water" is water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (ss) "Volatile Organic Matter" shall mean the material in the sewage solids transformed to gases or vapors when heated to 550 degrees C for 15 to 20 minutes.
- (tt) "Wastewater" shall mean water in which sewage has been discharged.

- (uu) "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.
- (vv) Any terms not defined herein, but defined in the Sewer Rate Ordinance (Ordinance No. 97-1) shall have the same meaning herein.

**Section 2.**

- (a) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the District or in any area under the jurisdiction of said District, any human excrement, garbage or other objectionable waste.
- (b) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm water, surface water, ground water, roof runoff, subsurface drainage, sump pump discharge, cooling water, unpolluted water or unpolluted industrial water.
- (c) No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for ammonia, BOD, and S.S.
- (d) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the District, any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.
- (e) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted water except where suitable treatment has been provided in accordance with provisions of this ordinance and the NPDES permit.
- (f) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.
- (g) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the District and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the District is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within three hundred (300) feet of the property line.

- (n) "Incompatible Pollutant" - Any pollutant that is not defined as a compatible pollutant, including nonbiodegradable dissolved solids, and further defined in Regulation 40 CFR Part 405.
- (o) "IDEM" - Indiana Department of Environmental Management.
- (p) "Industrial Wastes" - Any solid, liquid or gaseous substances or form of energy discharged, permitted to flow or escape from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by a person and shall further mean any waste from an industrial sewer.
- (q) "Infiltration" shall mean the water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. (Infiltration does not include and is distinguished from inflow.)
- (r) "Infiltration/Inflow" shall mean the total quantity of water from both infiltration and inflow without distinguishing the source.
- (s) "Inflow" shall mean the water discharged into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leader, cellar, yard and area drains, foundation drains, unpoiltuted cooling water discharges, drains from springs and swampy areas, manhole covers, cross connections from storm sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. (Inflow does not include, and is distinguishable from infiltration.)
- (t) "Initially Approved Sewer Project" shall mean the final plans and specifications prepared by Bonar Group and used as the basis for receipt of construction bids for the initial construction of the sewage works, modified by change order issued immediately after the notice to proceed with construction, such change order to recognize additional property owners to be connecting to the public sewage works who have:
  - (1) Advised the District in writing of their intent to build a structure to be connected to the public sewer, such notice having been given prior to the first date on which advertisements for bids occurs, and
  - (2) Have obtained a building permit and have provided a copy of such permit to the District no later than the date on which the construction contracts are executed pursuant to the previously received bids.
- (u) "Inspector" shall mean the person or persons duly authorized by the District through its Directors to inspect and approve the installation of building sewers and their connection to the public sewer system.

**Section 3.** The owner of any lot, parcel of real estate or building, which was not included in the "Initial Approved Sewer Project" as defined, connecting to the sewage works plant, prior to being permitted to make a connection shall comply with all applicable federal, state, county and District laws, rules and regulations and shall pay a connection charge which shall be the sum of the following:

- (a) The inspection as specified in Section 4(b).
- (b) The hard and soft costs of connecting to the public sewer, including the costs of installing and connecting the components of the public sewer. Those costs may include, but are not limited to, excavation, backfilling, pavement replacement, grinder pumps, electrical, easements, legal, and engineering fees.
- (c) The amount of One Hundred Fifty Dollars (\$150.00).

Any such owner so connecting shall install all components of the private sewer as required by District to connect such private sewer into the public sewer system and shall pay the costs of such components and their installation.

**Section 4.**

- (a) Where a public sanitary sewer is not available under the provisions of Section 2(h), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.
- (b) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of Fifty Dollars (\$50.00) shall be paid to the District at the time the application is filed.
- (c) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.
- (d) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the IDEM. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty-five thousand (45,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.



- (e) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 3(d), a direct connection shall be made to the public sewer in compliance with this ordinance, and any septic tanks, cesspools and similar private sewage disposal facilities shall be cleaned of sludge, abandoned and filled with suitable material.
- (f) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the District.
- (g) When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days and the private sewage disposal system shall be cleaned of sludge and filled with suitable material.
- (h) No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

#### **Section 5.**

- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the District Secretary.
- (b) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (c) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
- (d) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the said Inspector, to meet all requirements of this ordinance.
- (e) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

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

#### Section 6.

- (a) No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:
  - (1) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
  - (2) Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structure.

equipment and personnel of the sewage works, or that interferes with any treatment process.

- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch, manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
  - (5) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the wastewater works, or to exceed the limitations set forth in the applicable Federal Categorical Pretreatment Standards or other pretreatment standards or regulations issued by USEPA or the IDEM. A toxic pollutant identified pursuant to Section 307(a) of the Federal Water Pollution Control Act, as amended.
- (b) No person shall discharge or cause to be discharged the following described substances, materials or wastes if it appears likely in the opinion of the Board that such wastes can harm either the sewers, sewage treatment process or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Board will give consideration to the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant and other pertinent factors. The substances prohibited are:
- (1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit or sixty-five (65) degrees Celsius.
  - (2) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty-two and one hundred fifty (32 and 150) degrees Fahrenheit or zero and sixty-five (0 and 65) degrees Celsius.
  - (3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Board.

- (4) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.
- (5) Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- (6) Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Board as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies of jurisdiction for such discharge to the receiving waters.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Board in compliance with applicable State or Federal regulations.
- (8) Any waters or wastes having a pH in excess of 9.
- (9) Materials which exert or cause:
  - (a) Unusual concentrations of inert S.S. (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 S.S., CBOD, BOD, Ammonia, Ammonia-Nitrogen, Phosphorus, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
  - (d) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
- (10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent can not meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(11) It shall be unlawful for any person to place, deposit, permit to be deposited, or discharged in any manner whatsoever, any substance into a sewer at a point different than the proposed sewer connection to the sanitary sewer system.

(c) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 5(b) of this article, and which in the judgment of the Board may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or otherwise create a hazard to life or constitute a public nuisance, the Board may:

(1) Require new industries or industries with significant increase in discharges to submit information on wastewater characteristics and obtain prior approval for discharges.

(2) Reject the wastes in whole or in part for any reason deemed appropriate by the District.

(3) Require pretreatment of such wastes to within the limits of normal sewage as defined.

(4) Require control of flow equalization of such wastes so as to avoid any "slug" loads or excessive loads that may be harmful to the treatment works.

(5) Require payment of a surcharge on any excessive flows or loadings discharged to the treatment works to cover the additional costs of having capacity for and treating such wastes.

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

(d) Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

(e) When required by the Superintendent, the owner or any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with such necessary meters and other appurtenances in the building sewer, to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense,

and shall be maintained by him so as to be safe and accessible at all times. Agents of the District, the State Water Pollution Control Agencies and the USEPA shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

- (f) All measurements, tests and analyses of the characteristics of water and wastes to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole, except for application for NPDES permits and report thereof such shall be conducted in accordance with rules and regulations adopted by the USEPA, 40 CFR Part 136 and any subsequent revisions subject to approval by the District. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and S.S. analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pHs are determined from periodic grab samples.)
- (g) No statement contained in this article shall be construed as preventing any special agreement or arrangement between the District and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment therefore, by the industrial concern, at such rates as are compatible with the rate ordinance.

**Section 7.** Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the Rules and Regulations adopted by the USEPA (40 CFR Part 403), and "Guidelines Establishing Test Procedures for Analysis of Pollutants" (40 CFR Part 136), in addition to any more stringent requirements established by the District and subsequent State or Federal Guidelines and Rules and Regulations.

**Section 8.** Plans, specifications and any other pertinent information relating to pretreatment of control facilities shall be submitted for approval of the District 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 District to determine that such facilities are being operated in conformance with the applicable Federal, State and local laws and permits. The owner shall maintain operating records of the influent and effluent to show the performance of the treatment facilities and for comparison against District monitoring records.

**Section 9.** Unpolluted water from air conditioners, sump pumps, cooling, condensing systems or swimming pools shall not be discharged to a sanitary sewer of the District.

**Section 10.** Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants and the resultant clear water shall be discharged in accordance with the above section.

**Section 11.** The District may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flow characteristics. Such measurements, tests and analyses shall be made at the users' expense. If made by the District, an appropriate charge may be assessed to the user at the option of the District.

**Section 12.** Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the District, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the District and shall be located so as to be readily accessible for cleaning and inspection.

They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gas tight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

Specifications for grease, oil, and sand interceptors shall be in accordance with Sections 711, 712, 713, of the Indiana Plumbing Rules, 1981 Edition, (660 IAC 9) originally published as (4 IR 2398), which identifies, amends, and incorporates therein the Uniform Plumbing Code, 1979 Edition. Copies of the aforementioned Code and Rules, Regulations and Codes adopted herein by reference are on file as required by law in the office of the Secretary.

**Section 13.** Users of the treatment works shall immediately notify the District of any unusual flows or wastes that are discharged accidentally or otherwise to the sewer system.

**Section 14.** All provisions of this ordinance and limits set herein shall comply with any applicable State and/or Federal requirements now, or projected to be, in effect.

**Section 15.** No unauthorized person shall maliciously, willfully or negligently break, damage, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works.

**Section 16.**

- (a) The Superintendent, Inspector and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this ordinance.

The Superintendent or his representative shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

- (b) While performing the necessary work on private properties referred to in Section 16(a) above, the Superintendent or duly authorized employees of the District 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 District employees and the District shall indemnify the company against loss or damage to its property by District employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 5(c).
- (c) The Superintendent and other duly authorized employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

#### Section 17.

- (a) Any person found to be violating any provisions of this ordinance shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof.  

The offender shall, within the period of time stated in such notice, permanently cease all violations.
- (b) Any person who shall continue any violation beyond the time limit provided for in Section 17(a) shall be guilty of a violation and on conviction thereof shall be fined in an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500) for each violation. Each day in which any violation shall continue shall be deemed a separate offense.
- (c) Any person violating any of the provisions of this ordinance shall become liable to the District for any expense, loss or damage, including reasonable attorney fees and other litigation expenses, incurred by the District by reason of such violation.



- (d) Any violation of this Ordinance shall constitute a public nuisance.
- (e) District shall have the power to apply to the circuit or superior court of Whitley County for an order to force connection or to cease any violation of this Ordinance.

**Section 18.** That the rules and regulations promulgated by the District, after approval by the District shall, among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the administrator of the sewage system and user charge system to the District and that any decision concerning the sewage system or user charges of the Board may be appealed to the circuit court of the county under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

**Section 19.** The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

**Section 20.** This ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE BLUE LAKE CONSERVANCY DISTRICT, WHITLEY COUNTY, INDIANA, ON THE 7 DAY OF FEBRUARY, 2000.**

Richard J. Hamilton

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Ronald W. Bernal

Terry H. Ward

ATTEST:

Brian Shaffer  
Secretary

This Ordinance prepared by Richard A. Green, GREEN & CATES, Attorneys at Law, P.O. Box 78, Syracuse, IN 46567