

TITLE 10

UTILITIES

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Chapter 10.04

WATER

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10.04.020 Waterworks Department. The Town hereby adopts the provisions of I.C. §§8-1.5-4-1, et seq., and establishes a Department of Waterworks. (Ord. 2008-1, S10.04.020, Jan. 14, 2008)

10.04.030 Waterworks Board. A Board of Directors shall control the Department of Waterworks (the "Board"), which shall be appointed pursuant to I.C. §8-1.5-4-2 and shall consist of five (5) members.

The Board shall consist of three (3) members residing in Clay Township, Spencer County Indiana, one (1) member residing in Carter Township, Spencer County, Indiana, and, one (1) member residing in either of Huff Township or Harrison Township, Spencer County, Indiana.

The initial terms of the Board members shall be as follows:

- (1) One (1) year for the first of the members appointed from Clay Township;
- (2) Two (2) years for the member appointed from Huff Township or Harrison Township;

- (3) Three (3) years for the second of the members appointed from Clay Township;
- (4) Four (4) years for the third of the members appointed from Clay Township and for the member appointed from Carter Township.

Board members appointed after the initial terms shall be appointed for four (4) year terms. (Ord. 2008-1, S10.04.030, Jan. 14, 2008)

10.04.040 Effective Date. The Board of Directors shall assume control over the Department of Waterworks upon appointment by the executive officer of the Town, taking oath and giving bond as required by law. (Ord. 2008-1, S10.04.040, Jan. 14, 2008)

10.04.050 Water rates and charges. There shall be and there is hereby established the following rates and charges for the production, storage, transmission, sale and delivery, and furnishing of water delivered by the water utility of the Town of Santa Claus to retail customers, excepting 1. Those customers who were customers of Santa La Hill, Inc. on December 28, 2007; and 2. Koch Development Corporation, or its successors and/or assigns, for water delivered to Holiday World and Splashing' Safari Theme Park:

MONTHLY RETAIL CUSTOMER CHARGES

5/8 inch meter	\$ 3.87
3/4 inch meter	5.81
1 inch meter	9.68
1 1/2 inch meter	23.23
2 inch meter	38.72
3 inch meter	58.07
4 inch meter	96.79
6 inch meter	181.29

RETAIL USAGE CHARGES

Monthly Metered Usage - Rate Per 1,000 Gallons

First	5,000 Gallons	\$ 5.54
Next	15,000 Gallons	5.26
Next	25,000 Gallons	4.72
Over	45,000 Gallons	4.45

(Ord. 2009-2, S10.04.050, May, 11, 2009) (Ord. 2007-14, S10.04.050, Nov. 13, 2007) (Ord. 2004-04, Nov. 26, 2004) (Ord. 1996-08, S1, 1996) (Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1971-3, S1, 1971)

10.04.055 Former Santa La Hill, Inc. Customers. Pursuant to a certain Settlement Agreement dated December 28, 2007, by and between the Town of Santa Claus and Santa La Hill, Inc., there shall be and there is hereby established for rates and charges for the production, storage, transmission, sale and delivery, or furnishing of water delivered by the

water utility of the Town of Santa Claus to customers who were customers of Santa La Hill, Inc. on December 28, 2007:

USAGE CHARGES

Monthly Metered Usage - Rate Per 1,000 Gallons

First	5,000 Gallons	\$ 7.40
Next	5,000 Gallons	7.17
Next	10,000 Gallons	7.02
Next	15,000 Gallons	6.29
Next	115,000 Gallons	5.56
Over	150,000 Gallons	4.32

Minimum Monthly Charges

5/8 inch meter	\$ 14.80
3/4 inch meter	72.86
1 inch meter	174.53
1 1/2 inch meter	205.99
2 inch meter	237.44
2 1/2 inch meter	265.25
3 inch meter	293.06
6 inch meter	571.12

(Ord. 2009-2, S10.04.055, May, 11, 2009)

10.04.060 Fire Protection Service Charges. Pursuant to I.C. §8-1-2-103, there shall be and hereby is established for the rates and charges for the production, storage, transmission, sale and delivery, and furnishing of water for public fire protection purposes, the following amounts to be payable as part of the basic rate of each retail customer who is located within the territorial limits of the Town of Santa Claus and each retail customer of the water utility located outside the territorial limits of the Town of Santa Claus, Indiana whose property is located within one thousand (1,000) feet of a fire hydrant (measured from the hydrant to the nearest point on the property line of the customer):

MONTHLY PUBLIC FIRE PROTECTION SURCHARGE

5/8 inch meter	\$ 5.52
3/4 inch meter	8.28
1 inch meter	13.80
1 1/2 inch meter	33.11
2 inch meter	55.19
2 1/2 inch meter	68.98
3 inch meter	82.78
4 inch meter	137.97
6 inch meter	258.42

On or after adoption of this Ordinance, the construction cost of any fire hydrant installed at the request of a municipality, township, county, or other governmental unit or other person

or party shall be paid for by or on behalf of the municipality, township, county, or other governmental unit or person or party requesting such hydrant.

The Town of Santa Claus shall pay a pro-rated portion of the hydrant rental charge under Ordinance 2007-14 for the portion of calendar year 2009 prior to the effectiveness of this Ordinance for all hydrants within the town. (Ord. 2009-2, S10.04.060, May, 11, 2009) (Ord. 2007-14, S10.04.060, Nov. 13, 2007) (Ord. 1996-08, S1, 1996)(Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1974-6, 1974) (Ord. 1971-3, S1, 1971)

10.04.070 Private Fire Protection. There is hereby established for the rates and charges for the production, storage, transmission, sale and delivery, or furnishing of water by the water utility of the Town of Santa Claus for private fire protection purposes, the following amounts:

	<u>Monthly Charge</u>
2 inch connection	\$ 18.62
3 inch connection	43.69
4 inch connection	81.92
6 inch connection	163.84
8 inch connection	283.99
10 inch connection	436.90
12 inch connection	655.37

(Ord. 2009-2, S10.04.070, May, 11, 2009) (Ord. 2007-14, S10.04.070, Nov. 13, 2007) (Ord. 1996-08, S1, 1996) (Ord. 1983-13, S1, 1983) (Ord. 1983-10, 1983) (Ord. 1979-02, 1979) (Ord. 1974-6, 1974)

10.04.075 Theme/Water Park. There shall be and there is hereby established the following rates and charges for the production, storage, transmission, sale and delivery, and furnishing of water delivered by the water utility of the Town of Santa Claus to Koch Development Corporation, d/b/a Holiday World and Splashin' Safari, its successors and/or assigns, through Meter Number 218991, and such additional or replacement meters as may be installed hereafter which provide water to the Holiday World and Splashin' Safari theme Park:

Monthly Customer Charge	\$ 7,785
Usage Charge (Per 1,000 gallons)	\$ 4.40

In connection with the conversion of the rates from a strictly volumetric rate to a Customer Charge-Volumetric Rate on a schedule other than on a calendar-year basis and to adequately compensate the Town for the peaking demands of such user, Koch Development Corporation shall pay to the Town a one-time charge in the sum of Twenty thousand dollars (\$20,000.00) on or before July 31, 2009. (Ord. 2009-2, S10.04.075, May, 11, 2009)

10.04.080 Wholesale customers. There shall be and there is hereby established the following rates and charges for the production, storage, transmission, sale and delivery, and furnishing of water delivered by the water utility of the Town of Santa Claus to the Town's wholesale customers:

<u>Customer</u>	<u>Monthly Metered Rates(per 1,000 gallons)</u>
Town of Gentryville	\$ 3.96
Town of Chrisney	3.96

All wholesale customers are subject to the specific terms of their Water Purchase Contract. (Ord. 2009-2, S10.04.080, May, 11, 2009) (Ord. 2007-14, S10.04.080, Nov. 13, 2007) (Ord. 2004-04, Nov. 26, 2004) (Ord. 1996-08, S1, 1996) (Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983)

10.04.090 Temporary users. Water furnished to temporary users, such as contractors, circuses, etc., shall be charged for on the basis of the above quantity rates as estimated by the Waterworks Superintendent. (Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1971-3, S1, 1971)

10.04.100 Tap In Fee.

- (1) In the event that a water connection is made from any lot, parcel of real estate or building located within or outside the corporation boundaries, a charge to cover the cost of tapping the main, furnishing and laying service pipe, corporation and stop cocks, meter box and installing the meter, then and in such case the connection charge shall be the greater of the following after the passage of this Ordinance:
 - A. Five Hundred Dollars (\$500.00)
 - B. Costs necessary to make said connection for those persons applying for service.

There shall not be a connection charge for any lot or parcel of real estate upon which a waiver agreement has been entered into by the Town.

- (2) In the event water service has been disconnected for any reason, appropriate fees must be paid including past due water charges and/or a new water service application must be completed before the water service will be reconnected.
- (3) The water tap in fee shall be paid in full to the Town of Santa Claus at the time such application for service is made.
- (4) Application Fee. Any person requesting the Town to provide water services to a location outside of the Town's corporate limits, shall pay a nonrefundable application fee of \$100.00, accompanied by a completed and

properly executed Application form provided by the Town Utility Department. There shall be only one \$100.00 fee charged per Application even if the Application includes a request for sewer and water service. (Ord. 1998-13, Nov. 11, 1998) (Ord. 1995-03, S1, 1995) (Ord. 1984-06, S1, 1984) (Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1971-3, S1, 1971)

10.04.110 Disconnect/Reconnect Charge. In addition to any and all unpaid charges for water supplied through the meter, a disconnect/reconnect charge in the amount of \$40.00 shall be paid to the Town prior to resumption of service at and through any meter at which water service previously was provided which has been disconnected at such location for any reason if such disconnection and reconnection is performed during the Town's regular business hours. If such disconnection or reconnection is performed outside normal business hours, a disconnect/reconnect charge in the amount of \$80.00 shall be paid to the Town prior to resumption of service. No person shall turn on, turn off, adjust, bypass or otherwise tamper with the meters and valves owned by the Town, except with the express permission of the Town's Utilities Superintendent allowing such action. Any such action without permission may result in disconnection of service, a disconnect/reconnect charge and penalty charge in the amount of \$100.000 which shall be paid prior to reconnection of service. (Ord. 2009-2, S10.04.110, May, 11, 2009) (Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1971-3, S1, 1971)

10.04.120 Collection of Deferred Payment Charge. All bills for water service not paid within seventeen (17) days after the bill is mailed shall be subject to a late payment charge of ten (10) percent of the first three (3) dollars and three (3) percent of the excess of three (3) dollars. (Ord. 1983-13, S1, 1983) (Ord. 1983-10, S1, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1971-3, S1, 1971)

10.04.125 Bad Check/ACH Fee. If any payment to the Town is stopped, returned, rejected, reversed, recalled or otherwise debited from the Town's accounts following acceptance by the Town, in addition to any other fees or charges imposed by this Chapter the customer shall pay to the Town any and all charges imposed by the Town's financial institution for such action and an administrative fee of \$20.00. (Ord. 2009-2, S10.04.125, May, 11, 2009)

10.04.126 Special Meter Reading Fee. If any customer requests a special meter reading at any time other than on the Town's normal schedule for such readings, a fee of \$15.00 shall be paid by such customer prior to the Town's performance of such special reading. (Ord. 2009-2, S10.04.126, May 11, 2009)

10.04.127 Meter Testing Fee. If any customer requests the Town perform meter testing and/or calibration of a 2-inch or smaller meter, such customer shall pay a meter testing fee of \$30.00 prior to such testing. If any customer requests the Town perform meter testing and/or calibration of a meter larger than 2-inch, such customer shall pay a meter testing fee equal to the actual cost of testing and/or calibration of the meter prior to such testing. If any such meter test reflects an over-charging variance, such meter testing fee shall be refunded to the customer. (Ord. 2009-2, S10.04.127, May, 11, 2009)

10.04.130 Water Deposit. ALL new customers, before receiving water service, shall tender the sum of One Hundred Dollars (\$100.00) to the Clerk-Treasurer for deposit. If the residential customer is also the owner of the property at which service is provided, a letter verifying the customer's credit worthiness may be presented from the customer's previous water or sewer utility to the Clerk-Treasurer for consideration of acceptance in lieu of the deposit PRIOR to receiving service from the Town. All existing customers for any reason disconnected from the system, before being reconnected shall tender to the Clerk-Treasurer the sum of One Hundred Dollars (\$100.00) for deposit.

The deposit will be returned to a residential customer who is the owner of the property at which service is provided at such time when twelve (12) consecutive monthly payments have been made in full by the monthly due date, or until said residential customer vacates the premises. The deposit will be returned to a renter only when said customer vacates the property. If any customer vacates the premises leaving a bill, the Town will apply the deposit to the outstanding water bill. If any monies are left following application of such deposit, the remaining deposit will be applied to any outstanding sewer bill owed to the Town by the customer and, if any monies remain following such application, the balance shall be returned to the customer. (Ord. 2005-09, Aug. 8, 2005) (Ord. 1995-03, SII, 1995)

10.04.200 No free service. No free service of said water system shall be permitted; and each residence, each commercial establishment, and each industry shall be individually metered. (Ord. 1983-13, S2, 1983) (Ord. 1983-10, S2, 1983) (Ord. 1979-02, S1, 1979) (Ord. 1971-3, S2, 1971)

10.04.300 Invalidity. All ordinances or resolutions or parts of ordinances or resolutions in conflict herewith are hereby repealed. 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. (Ord. 1983-13, S3, 1983) (Ord. 1983-10, S4, 1983)

10.04.600 Removal from Indiana Utility Regulatory Commission. That pursuant to Indiana Code §8-1.5-3-9.1, the Santa Claus Water Utility shall be hereby removed from the jurisdiction of the Indiana Utility Regulatory Commission, (IURC), for the approval of rates and charges and of the issuance of stocks, bonds, notes or other evidence of indebtedness. (Ord. 1993-21, S1, 1993)

10.04.700 Water Conservation and Rationing.

- (1) Definitions. The following definitions will apply to this subchapter unless otherwise indicated to have a different meaning or context.
 - A. TOWN. The Town of Santa Claus, Indiana.
 - B. PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

- C. USER. The person, firm, partnership, association, corporation, company or organization in whose name the Santa Claus Water Department maintains wholesale and/or retail water services.
 - D. WATER. Water from Santa Claus Water Utility distribution system. (Ord. 2007-07, S10.04.701, Aug. 13, 2007)
- (2) Application of Regulations. Provisions of this subsection shall apply to all persons who now or hereafter are connected to the Town water distribution system as retail or wholesale users,
- A. Levels of Conservation. The levels of conservation are:
 - 1. Level 1; voluntary conservation;
 - 2. Level 2; restricted use;
 - 3. Level 3; prohibited use; and,
 - 4. Level 4; rationing,

Once determined by the Utility Superintendent that the Town water system is in danger of experiencing a water shortage, is unable to maintain adequate water system pressure, water demands exceed the ability to service those demands, major malfunctions or water main disruptions have occurred or other circumstances have caused any danger to the water supply, the Town Council may declare a water conservation emergency and establish the level of conservation appropriate to existing circumstances. The level of conservation so declared shall remain in effect until further action and notice given by the Town Council. No level of conservation shall be increased without the consent of the Town Council. (Ord. 2007-07, S10.04.702, Aug. 13, 2007)

- (3) Notice. Notice of Level 1 and Level 2 shall be by publication in the Spencer County Leader, posting at the Town Hall, and by other means deemed appropriate by the town council, Notice of Level 3 and Level 4 shall be by first class United States mail or other door-to-door distribution to the current address of each User. Notice of Level 3 and Level 4 shall be deemed effective at noon of the third day after depositing same in the United States mail or at the conclusion of door-to-door distribution. (Ord. 2007-07, S10.04.703, Aug. 13, 2007)
- (4) Level 1, Voluntary Conservation. Level 1, voluntary conservation shall be comprised of the following:
- A. Request that Users engage in a conscious effort to reduce water consumption by practicing voluntary water conservation techniques as will be helpful in mitigating an existing water shortage crisis; and,

- B. Suggesting reasonable and meaningful actions that Users can take which are beneficial to the elimination of a water shortage or crisis. (Ord. 2007-07, S10.04.704, Aug. 13, 2007)
- (5) Level 2, Restricted Use. Level 2, restricted use, shall be comprised of the following restrictions on water usage, subject to reasonable terms and conditions as the Town Council shall determine and pursuant to which Users shall be requested to voluntarily cease the following water uses:
- A. Sprinkling, watering or irrigation of shrubs, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables or any other vegetation;
 - B. Washing of automobiles, trucks, mobile homes, railroad cars, or any other type of mobile equipment;
 - C. Cleaning of outdoor surfaces, including but not limited to sidewalks, driveways, filling station aprons, loading docks, ramps, work areas, storage and processing areas, building exteriors, porches and other outdoor surfaces;
 - D. Washing and cleaning of any business equipment or machinery;
 - E. Filling or adding water to ornamental fountains;
 - F. Filling or adding water to swimming pools and wading pools; and,
 - G. Knowingly allowing water leakage through faulty or broken plumbing. (Ord. 2007-07, S10.04.705, Aug. 13, 2007)
- (6) Level 3, Prohibited Use. Level 3, prohibited use shall be comprised of the following:
- A. Users of water shall be prohibited from use of water as listed in 10.04.700(5);
 - B. Wholesale Users shall be limited to the minimum daily (or other) quantities provided in such User's contract with the Town, except as any surplus use of water has previously been approved by the Town in accordance with the User's contract.
 - C. Users of water violating this section shall be subject to immediate termination of water service by the Town; and,
 - D. Restoration of water service terminated under this section shall require a \$50.00 restoration fee to be paid by the User to the Town. (Ord. 2007-07, S10.04.706, Aug. 13, 2007)

- (7) Level 4, Rationing. Level 4, rationing shall be comprised of the following:
- A. Each residential User's consumption may be limited to a uniform number of gallons of water per User per day by the Town, dependent upon the available supply and severity of the water emergency or shortage;
 - B. Apartment buildings or apartment or multi-family complexes with a single meter shall be limited to a total consumption dwelling unit;
 - C. Business, commercial and industrial Users shall be limited to a uniform number of gallons of water per User per day, or by a percentage of the volume of water used by such User during the corresponding month of the preceding year; (Business, commercial or industrial Users that were not in business and operating in Town more than one (1) year prior to the declaration of level 4 may be restricted based upon as percentage of the average volume during the User's period of operation.);
 - D. Wholesale Users shall be limited to the minimum daily (or other) quantities provided in such User's contract with the Town, except as any surplus use of water has previously been approved by the Town in accordance with the User's contract, and may be subject to further limitations on the quantity of water based upon availability of supply to the Town;
 - E. Water uses listed in 10.04.700(5) shall be prohibited;
 - F. Users who exceed the above volume limitations shall be subject to a fine of \$1 for each gallon of usage in excess of the limitation; and,
 - G. In addition to the fines provided herein, Users violating this section shall be subject to immediate termination of water service by the Town.
 - H. Restoration of water service terminated under this section shall require a \$100.00 restoration fee to be paid by the User to the Town. (Ord. 2007-07, S10.04.707, Aug. 13, 2007)

(8) Exceptions.

- A. The following shall not be subject to the limitations imposed by 10.04.700(7): (1) Licensed healthcare providers; and, (2) The Superintendent of the utility shall have authority to permit a reasonable use of water in excess of the restrictions provided herein in any case necessary to maintain adequate health and sanitation standards.

- B. The provisions of this section shall not apply to those businesses and industries declared by resolution of the Town Council to be necessary for public health, safety and welfare. (Ord. 2007-07, S10.04.708, Aug. 13, 2007)

(9) Enforcement.

- A. Every police officer and employee of the municipal water utility shall in connection with his or her duties imposed by law diligently enforce the provisions of this subchapter.
- B. The Town Council or its designee shall have authority to enforce the provisions of this subchapter by the discontinuance of water service to any Users in the event of violation of this subchapter.
- C. Upon declaring a water conservation emergency, the Town Council, depending on the circumstances then existing, may invoke standards and restrictions more or less stringent than those established in existing ordinances. (Ord. 2007-07, S10.04.709, Aug. 13, 2007)

(10) Municipal Water Department.

- A. The Town's water department shall have available and furnish all records necessary to determine the usage of water restricted by this subchapter.
- B. The Town's water department shall develop and distribute information and data which will educate the customers of the Town's water system as to various means that can be employed to conserve water when circumstances dictate that water conservation and management are required.
- C. The Superintendent, subject to approval of the Town Council, may promulgate reasonable rules and regulations to implement the intent and provisions of this subchapter. (Ord. 2007-07, S10.04.710, Aug. 13, 2007)

- (12) Wholesale Customers. Due to the fact that the Town cannot enforce any mandatory restrictions provided in this subchapter against the ultimate consumers of water which purchase water from the Town's wholesale Users, upon a determination by the Superintendent that the Town's water system is in imminent danger of experiencing a water shortage, is unable to maintain adequate water system pressure, water demands exceed the ability to service those demands, major malfunctions or water main disruptions have occurred or other circumstances have caused an actual or imminent danger to the water supply, the Superintendent may restrict water use to wholesale customers to the User's contractual daily (or other) minimum use, except as otherwise previously approved in accordance with such User's contract with the Town, without further action or resolution of the Town Council. (Ord. 2007-07, S10.04.712, Aug. 13, 2007)

Chapter 10.08

PROHIBITING CONNECTION TO WATER UTILITY BY “ASSOCIATIONS” AND PROVIDING FOR CREDITS TO PERSONS MAKING CONNECTION TO WATER UTILITY

Sections:

10.08.010 Water Connection by “Associations” prohibited

10.08.020 Proof of non “Association” status

10.08.030 Proof of “Association” status ceased

10.08.010 Water Connection by “Associations” prohibited. No party shall be permitted to make a new connection to or receive service or purchase water from the Town's water utility if water service to such party is made available at the time of connection by an "association" which is the debtor under any obligation insured or guaranteed by the Farmers Home Administration or other agency of the United States, such that connection to the Town's water utility is prohibited pursuant to 7 U.S.C. §1926(b). (Ord. 2007-06, S1, June 20, 2007)

10.08.020 Proof of non “Association” status. If any party desires to connect to, receive service or purchase water from the Town's water utility, and the Town has a reasonable belief that such party is a party to which water service to such party is made available at the time of connection by an "association" which is the debtor under any obligation insured or guaranteed by the Farmers Home Administration or other agency of the United States, or which otherwise is an "association" protected from curtailment of service pursuant to 7 U.S.C. §1926(b), the Town shall permit connection to the Town's water utility only upon receipt by the Town that such party's current or potential water supplier is not an "association" which is protected from curtailment of service pursuant to 7 U.S.C. §1926(b). (Ord. 2007-06, S2, June 20, 2007)

10.08.030 Proof of “Association” status ceased. If any party requesting connection to the Town's water utility presents proof satisfactory to the Town that such party has paid valuable consideration in order to cause an "association" protected from curtailment of service pursuant to 7 U.S.C. §1926(b) to cease being protected pursuant to such statute by prepaying, retiring or otherwise causing the forgiveness of debt to, or guaranteed or insured by the Farmers Home Administration or other agency of the United States within thirty (30) days prior to the party's request for connection to the Town's water utility, and for the purpose of making connection to, receive service or purchase water from the Town's water utility, the Town shall provide a credit to such party following the party's connection to the Town's water utility as a customer, under the following terms:

- (1) The party shall make a written request for such credit at the time of or prior to connection to the Town's water utility;
- (2) The party shall present proof of payment or forgiveness of such debt to the Town upon making written request for such credit; and,

- (3) Such credit shall be made in forty-two (42) equal monthly installments of credit equal to 1/42 of the amount of debt paid or forgiven, which shall be taken against the charges of the Town's water utility for water purchased by such party from the Town.
- (4) Any credit granted by the Town to a customer pursuant to this Ordinance shall be used by such customer within forty-eight (48) months following accrual of such credit, or such credit shall expire. (Ord. 2007-06, S3, June 20, 2007)

Chapter 10.12

WATER PURCHASE CONTRACT WITH CHRISNEY

Sections:

- 10.12.010 Agreement of Purchase**
- 10.12.020 Authorization of Contract**

10.12.010 Agreement of Purchase. The Town of Chrisney hereby agrees to purchase water from the Town of Santa Claus pursuant to a certain Second Amended Water Purchase Contract, a copy of which is attached hereto as Exhibit "A". (Ord. 2001-09, S1, Nov. 14, 2001)

10.12.020 Authorization of Contract. The Santa Claus Town Council hereby authorizes its President and the Clerk-Treasurer of the Town of Santa Claus to sign the Second Amended Water Purchase Contract, a copy of which is attached hereto as Exhibit "A". (Ord. 2001-09, S2, Nov. 14, 2001)

EXHIBIT "A"

SECOND AMENDED WATER PURCHASE CONTRACT WITH CHRISNEY

THIS SECOND AMENDED AGREEMENT, for the sale and purchase of water, made and entered into on the 14th day of November, 2001, by and between the **TOWN OF SANTA CLAUS, INDIANA**, (hereinafter referred to as "**SELLER**"), and the **TOWN OF CHRISNEY, INDIANA**, (hereinafter referred to as "**PURCHASER**"), both municipal corporations organized under the law of Indiana.

WITNESSETH:

WHEREAS, PURCHASER'S new customer, AK Steel Corporation, is not using the amount of water anticipated in the First Amended Water Purchase Contract with **SELLER**; and

WHEREAS, SELLER is willing to reduce the supply of water to **PURCHASER** because of **PURCHASER'S** decreased need for water.

NOW, THEREFORE, in consideration of the foregoing and the mutual agreements hereinafter set forth,

A. The parties hereto agree to amend the provisions of that certain First Amended Water Purchase Contract entered into by the parties and dated April 14th, 1997 as follows:

1. Item A.(1) is amended to read as follows:

A. THE SELLER PROMISES AND AGREES:

- 1) (Quality and Quantity) The **SELLER** shall furnish to **PURCHASER** at the point of delivery hereinafter specified, during the term of the contract or any renewal or extension thereof the following indicated gallons per day of potable treated water, meeting applicable purity standards of the Indiana Department of Environmental Management, to wit:

85,000 gal. per day beginning January 1, 2002

2. Item B.(1) is amended to read as follows:

B. THE PURCHASER PROMISES AND AGREES:

- 1) (Minimum Quantity) The **PURCHASER** shall purchase from **SELLER** the following indicated gallons per day:

85,000 gal. per day beginning January 1, 2002

and shall take said quantity in daily averages computed each three (3) days. The quantity of water stated above is a minimum daily quantity that **PURCHASER** agrees to pay for regardless of whether **PURCHASER** uses the water or not.

- B. **PURCHASER** acknowledges that **SELLER** has, pursuant to Item C.(2) Modification of Rates of the original Water Purchase Contract, increased the water rate from \$1.67 per one thousand (1,000) gallons to \$2.27 per one thousand (1,000) gallons. That all other provisions of the original Water Purchase Contract dated February 12, 1996 as amended by the First Amended Water Purchase Contract dated April 14th, 1997 shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their respective governing bodies, cause this contract to be duly extended in two (2) counterparts, each of which shall constitute an original.

SELLER:

TOWN OF SANTA CLAUS, INDIANA

By: Michael A. Kamp, Nov. 14, 2001
President, Town Council

ATTEST:

Shannon L. Winkler
Clerk/Treasurer

Chapter 10.16

SEWAGE DISPOSAL

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10.16.011 Purpose and Policy. This ordinance (chapter) sets forth uniform requirements for users of the Publicly Owned Treatment Works for the Town of Santa Claus and enables

the Town to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 et. seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this ordinance are:

- (1) To prevent the introduction of pollutants or excessive clear water flow into the Publicly Owned Treatment Works that will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial/commercial wastewater and Treatment sludge from the Publicly Owned Treatment Works;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;
- (6) To enable the Town 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 (chapter) shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. (Ord. 1996-10.16, S1.1, 1996)

10.16.012 Administration. Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other Town personnel. (Ord. 1996-10.16, S 1.2, 1996)

10.16.013 Abbreviations. The following abbreviations, when used in this ordinance (chapter), shall have the designated meanings:

- | | |
|------|--|
| BOD5 | - Biochemical Oxygen Demand - Five Day |
| CFR | - Code of Federal Regulations |
| COD | - Chemical Oxygen Demand |
| EPA | - U.S. Environmental Protection Agency - Washington D.C. |

EPA Reg. V	- U.S. Environmental Protection Agency, Region V - Chicago, Illinois
FOG	- Fats, Oil and Grease
gpd	- gallons per day
IC	- Indiana Code
I/I	- Inflow and Infiltration (clear water flow)
IDEM	- Indiana Department of Environmental Management
mg/l	- milligrams per liter
NPDES	- National Pollutant Discharge Elimination System
O & G	- Oil and Grease
POTW	- Publicly Owned Treatment Works
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classification
SIU	- Significant Industrial User
TSS	- Total Suspended Solids
U.S.C.	- United States Code

(Ord. 1996-10.16, S1.3, 1996)

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

- (1) Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 et seq.
- (2) Approval Authority. The Regional Administration of U.S. EPA Region V.
- (3) Authorized Representative of the User
 - A. If the user is a corporation:
 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been

assigned or delegated to the manager in accordance with corporate procedures.

- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - C. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - D. The individuals described in paragraphs (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Council.
- (4) Biochemical Oxygen Demand or BOD₅. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade, usually expressed as a concentration (e.g., mg/l).
 - (5) Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307 (b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 - (6) Clear Water Flow. Groundwater or precipitation related water which enters the sanitary sewer collection system through pipe defects (infiltration) or conduits (inflow).
 - (7) Control Authority. The Town Council of the Town of Santa Claus, Indiana.
 - (8) Council. The Town Council of the Town of Santa Claus, Indiana.
 - (9) Town. The Town of Santa Claus, under the jurisdiction of the Santa Claus Town Council.
 - (10) Composite Sampling. Method of sampling which weights sample volume with discharge flow rate.
 - (11) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Region V Water Management Division Director, or other duly authorized official of said agency.

- (12) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (13) Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (14) Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- (15) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (16) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, including excessive clear water flow, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Town's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (17) 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.
- (18) New Source.
 - 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 which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. 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 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) 2. or 3. 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:
1. Begun, or caused to begin, as part of a continuous on-site construction program
 - (a) any placement, assembly, or installation of facilities or equipment; or
 - (b) 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
 2. 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.

- (19) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (20) 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 Town's NPDES permit (IN0020605), including an increase in the magnitude or duration of a violation.
- (21) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- (22) pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (23) 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, BOD₅, COD, toxicity, or odor).
- (24) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (25) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- (26) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (27) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 10.16.021 of this chapter.
- (28) Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the

Town. 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.

(29) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(30) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

(31) Significant Industrial/Commercial User.

A. A user subject to categorical pretreatment standards as set forth below under Section 10.16.023; or

B. A user that:

1. 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);

2. 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

3. Is designated as such by the Council on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard, requirement or Ordinance provision.

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

(32) Slug Load or Slug. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 10.16.021 of this chapter.

(33) Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

- (34) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (35) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
- (36) User or Industrial User. A source of discharge to the municipal sanitary sewer system.
- (37) Superintendent. The person designated by the Town of Santa Claus Town Council of who is charged with certain duties and responsibilities by this ordinance, or a duly authorized representative.
- (38) 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.
- (39) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste. (Ord. 1996-10.16, S1.4, 1996) (Ord. 1970-5, S1, 1970)

10.16.021 Prohibited Discharge Standards.

- (1) 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.
- (2) Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
 - A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60°C) using the test methods specified in 40 CFR 261.21;
 - B. Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
 - C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference. Total Suspended Solids level in excess of 300 mg/l daily average may be subject to a surcharge per Section 10.16.022;

- D. Pollutants, including oxygen-demanding pollutants (BOD₅, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW. BOD₅ levels in excess of 300 mg/l daily average may be subject to a surcharge per Section 10.16.022;
- E. Wastewater having a temperature greater than 150° F (65°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C);
- F. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- G. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW sewers including in a quantity that may cause acute worker health and safety problems;
- H. Trucked or hauled pollutants;
- I. 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;
- J. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit;
- K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- L. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage (unless approved by the Superintendent prior to discharge), condensate, deionized water, noncontact cooling water, and unpolluted wastewater and/or clear water inflow/infiltration flow, unless specifically authorized by the Superintendent;
- M. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- N. Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit;

- O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- P. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 1996-10.16, S2.1, 1996) (Ord. 1970-5, S5c&d, 1970)

10.16.022 Abnormal Waste Surcharge.

- (1) In the event the Approving Authority excludes a customer from the requirements of Section 10.16.021 and the customer discharges abnormal industrial wastes to the public sanitary sewerage system having an average total suspended solids (TSS) content in excess of 300 mg/l and/or an average of five (5) day BOD in excess of 300 mg/l, and/or an average COD in excess of 500 mg/l and/or an average ammonia-nitrogen level in excess of 35 mg/l, the customer shall pay a surcharge based upon the excess strength of his wastes. Calculated from the cost of treatment the following surcharge loading rates are established:

• Biochemical Oxygen Demand - Five day (BOD ₅)	\$.90/lb
• Chemical Oxygen Demand - (COD)	\$.90/lb
• Total Suspended Solids (TSS)	\$.90/lb
• Ammonia-Nitrogen (NH ₃ -N)	\$2.20/lb

- (2) The costs of treatment for each pound of BOD₅, suspended solids, ammonia-nitrogen, or grease removed by each treatment works shall be reviewed by the Town at the end of each fiscal year. If a discrepancy exists between the actual costs as found by the Town and the estimated cost, the Town Council shall increase or decrease the surcharge rates sufficiently to cover only the projected actual costs for the ensuing year.
- (3) No reduction in sewerage service charges, fees, or taxes will be permitted because of the fact that certain wastes discharged to the public sanitary sewerage system contain less than 300 milligrams per liter of suspended solids 35 milligrams per liter ammonia-nitrogen, or 300 milligrams per liter BOD₅ and/or 500 milligrams per liter COD.
- (4) In the event any customer using a sewage flow meter, discharges into the Town's sewer system an amount of sewage flow greater than:
 - A. the amount of water purchased by the customer during the period in question, plus

- B. 200 gallons per inch diameter mile of pipe in the customer's private collection system for each day during the period in question,

then for the amount of sewage flow in excess of the above described amounts there shall be added a surcharge equal to \$5.13 per 1,000 gallons of such excess flow. This surcharge shall be in addition to the regular charges for sewer usage, and shall be in effect beginning October 1, 1999. (Ord. 1999-02, S2.2, May 12, 1999) (Ord. 1996-10.16, S2.2, 1996)

10.16.023 National Categorical Pretreatment Standards. The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6 (e).
- (3) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. (Ord. 1996-10.16, S2.3, 1996)

10.16.024 Local Limits. The following pollutant limitations are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum concentrations based upon a 24-hour composite sample. Additionally, no person shall discharge wastewater containing in excess of the following maximum concentrations times a multiplier of 1.5 based upon a grab sample. The 1.5 grab sample multiplier does not apply to Hex Chromium, Cyanide and Phenols in that analytical procedures do not allow for composite techniques to be applied to these parameters. For Hex Chromium, Cyanide and Phenols, three (3) grab sample results shall be analyzed with results not to exceed the following noted limitations.

- 50 mg/l Ammonia-Nitrogen
- .1 mg/l Arsenic (total)
- 500 mg/l BOD₅ (weekly average)
- 950 mg/l COD (weekly average)
- 1.3 mg/l Cadmium (total)¹

.32 mg/l Hex. Chromium¹
10.0 mg/l Total Chromium¹
500 mg/l Total Suspended Solids (weekly average)
.45 mg/l Copper
.8 mg/l Cyanide (total) ¹
.02 mg/l Lead (total)¹
.001 mg/l Mercury (total)¹

1. Limitation derived from waste load model based upon 1990 Indiana Water Quality Standards

.08 mg/l Molybdenum¹
5.0 mg/l Nickel²
100 mg/l Oil & Grease
.11 mg/l Selenium¹
.27 mg/l Silver²
1.0 mg/l Phenols
15 mg/l Phosphorous
8.0 mg/l Zinc (total)²

1. Limitation derived from waste load model based upon 40 CFR Part 503 Federal Sludge Regulations

2. Limitation derived from waste load model based upon 1990 Indiana Water Quality Standards

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

Upon the promulgation of the National Categorical Pretreatment Standard (NCPS) for a particular user, the said standard, if more stringent than the limitations imposed under this chapter for sources in that category, shall, when effective, immediately supersede the limitations and conditions imposed under this ordinance. The Wastewater Superintendent shall notify all known affected users of the applicable permitting and reporting requirements under 40 CFR 403.12. (Ord. 1996-10.16, S2.4, 1996)

10.16.025 Town's Right of Revision. The Town reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW. (Ord. 1996-10.16, S2.5, 1996)

10.16.026 Dilution. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Superintendent may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate. (Ord. 1996-10.16, S2.6, 1996)

10.16.027 Excessive Inflow and/or Infiltration. No user shall allow infiltration and/or inflow which produces a total pipe flow (wastewater and inflow/infiltration) which exceeds 200 gallons per day, per sewer inch diameter mile of a given gravity sanitary sewer line, or system owned and operated by user. Quantification and qualification of inflow and/or infiltration shall be conducted in a manner approved and validated by the Superintendent. (Ord. 1996-10.16, S2.7, 1996)

10.16.028 Inspection of Sewer Construction and Sewer Utility Connection. Upon written approval for a user to construct new lines and make connection to the Town's sewer system, the user shall provide 48 hours notice to the Superintendent prior to construction. The Superintendent or his/her designee may then inspect the sewer construction and/or connection process for conformance with local construction standards and Ordinance provisions. (Ord. 1996-10.16, S2.8, 1996)

10.16.029 Permit to Connect with Public Sewer. No unauthorized person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenance thereof without first applying for a permit in the Utility Office (Ord. 1970-5, S4a, 1970). The Superintendent shall review the application and give written approval at his/her discretion. A non-refundable permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the Town at the time the application is filed.

- (1) Application for Permit. There shall be two (2) classes of building sewer permits:
 - A. for residential and commercial service; and
 - B. for service to establishments producing industrial wastes. In either case, the Owner or his agent shall make application on a special form furnished by the said Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Inspector. (Ord. 1996-10.16, S2.9A, 1996) (Ord. 1987-01, S1, 1987) (Ord. 1984-04, S2b, 1984) (Ord. 1970-5, S4b, 1970)
- (2) Cost and Expense of Connections. All costs and expense incident to the installation and connection of the building sewer shall be borne by the

Owner. The Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. (Ord. 1996-10.16, S2.9B, 1996) (Ord. 1970-5, S4c, 1970)

- (3) Separate Building Sewer for Each Building. 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. (Ord. 1996-10.16, S2.9C, 1996) (Ord. 1970-5, S4d, 1970)
- (4) Use of Old Building Sewers. 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 chapter. (Ord. 1996-10.16, S2.9D, 1996) (Ord. 1970-5, S4e, 1970)
- (5) Size, Slope, Alignment and Materials of Building Sewers. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, 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 Town. 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. (Ord. 1996-10.16, S2.9E, 1996) (Ord. 1970-5, S4f, 1970)
- (6) Elevation. 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. (Ord. 1996-10.16, S2.9F, 1996) (Ord. 1970-5, S4g, 1970)
- (7) Method of Connection. The connection of the Building Sewer to the Public Sewer shall be Schedule 40 pipe; cast iron pipe (ASTM Specifications, Ten State Standards, or equal), ABS sewer pipe (ASTM Specification, or equal), PVC sewer pipe, or other suitable material approved by the Sewer Superintendent. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. (Ord. 1996-10.16, S2.9G, 1996) (Ord. 1984-04, S2(i), 1984) (Ord. 1970-5, S4i, 1970)
- (8) Guarding excavations. 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 restored in a manner satisfactory to the said Town. (Ord. 1996-10.16, S2.9H, 1996) (Ord. 1970-5, S4k, 1970)

- (9) OSHA. All construction activity associated with sewer construction will be conducted in strict conformance with OSHA standards. (Ord. 1996-10.16, S2.9I, 1996)
- (10) Any new or existing nonresidential customer adding new sources of flow to the town sewer system shall be required to install a meter pit sufficient for installation of a flow meter in the event that there is no other suitable access point for such metering.

Any new nonresidential customer whose private wastewater collection system contains Six Hundred (600) feet or more of sewer pipe and all new industrial users shall install in an accessible meter pit a sewage flow meter.

The Town Utility Superintendent shall establish the minimum design specifications for each Meter Pit, Sewage Flow Meter, and monitoring or sampling device. Prior to installation the Town Utility Superintendent shall be notified of the design location and specifications of said pit, flow meter, monitoring or sampling device to determine whether it meets the Town's minimum specifications.

Installation of Meter Pits, Sewage Flow Meters or sampling, devices required by this Ordinance for new construction shall be completed prior to final hookup or connections of said new construction to the Town Sewer System. (Ord. 2000-08, Feb. 23, 2000)

10.16.031 Pretreatment Facilities. Users shall provide wastewater treatment as necessary to comply with this ordinance (chapter) and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 10.16.021 of this chapter within the time limitations specified by EPA, the State, or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this ordinance (chapter). (Ord. 1996-10.16, S3.1, 1996)

10.16.032 Additional Pretreatment Measures.

- (1) Whenever deemed necessary, the Superintendent 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 (chapter).

- (2) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- (3) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 1996-10.16, S3.2, 1996)

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

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by Section 10.16.066 of this chapter; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. 1996-10.16, S3.3, 1996)

10.16.041 Wastewater Analysis. When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. (Ord. 1996-10.16, S 4.1, 1996)

10.16.042 Wastewater Discharge Permit Requirement.

- (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to Section 10.16.043 of this chapter may continue to discharge for the time period specified therein.
- (2) The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this ordinance (chapter).

- (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance (chapter) and subjects the wastewater discharge permittee to the sanctions set out in Sections 10.16.101 through 10.16.138 of this chapter. Obtaining a wastewater discharge 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. (Ord. 1996-10.16, S4.2, 1996)

10.16.043 Wastewater Discharge Permitting: Existing Connections. Any user required to obtain a wastewater discharge 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 thirty (30) days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with Section 10.16.045 of this chapter, and shall not cause or allow discharges to the POTW to continue after forty-five (45) days of the effective date of this ordinance (chapter) except in accordance with a wastewater discharge permit issued by the Superintendent. (Ord. 1996-10.16, S4.3, 1996)

10.16.044 Wastewater Discharge Permitting: New Connections. Any user required to obtain a wastewater discharge 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 wastewater discharge permit, in accordance with Section 10.16.045 of this chapter, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence. (Ord. 1996-10.16, S4.4, 1996)

10.16.045 Wastewater Discharge Permit Application Contents. All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

- (1) All information required by Section 10.16.061(2) of this chapter;
- (2) Description of activities, facilities, and plant processes on the premises, including 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;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);
- (6) 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;
- (7) Time and duration of discharges; and

- (8) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. 1996-10.16, S4.5, 1996)

10.16.046 Application Signatories and Certification. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information 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". (Ord. 1996-10.16, S4.6, 1996)

10.16.047 Wastewater Discharge Permit Decisions. The Superintendent will evaluate the data furnished by the user and may require additional information. Within fifteen (15) days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit. (Ord. 1996-10.16, S4.7, 1996)

10.16.051 Wastewater Discharge Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire. (Ord. 1996-10.16, S5.1, 1996)

10.16.052 Wastewater Discharge Permit Contents. A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the 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.

- (1) Wastewater discharge permits must contain:
 - A. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - B. A statement that the wastewater discharge permit is nontransferable without prior notification to the Council in accordance with Section 10.16.055 of this chapter, and provisions for furnishing the new

owner or operator with a copy of the existing wastewater discharge permit;

- C. Effluent limits based on applicable pretreatment standards;
 - D. Self monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
 - E. 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.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- A. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - B. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - C. 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;
 - D. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - E. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
 - F. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - G. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

- H. Other conditions as deemed appropriate by the Superintendent to ensure compliance with this ordinance, and State and Federal laws, rules, and regulations. (Ord. 1996-10.16, S5.2, 1996)

10.16.053 Wastewater Discharge Permit Appeals. The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within fifteen (15) days of notice of its issuance. Public notice shall constitute one (1) written notice filed in the official newspaper as annually designated by the Town Council for legal publication purposes.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the Wastewater Superintendent fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Spencer County Circuit Court within thirty (30) days. (Ord. 1996-10.16, S5.3, 1996)

10.16.054 Wastewater Discharge Permit Modification. The Superintendent may modify a 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 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 Town's POTW, Town personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the 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 wastewater discharge permit;
or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator. (Ord. 1996-10.16, S5.4, 1996)

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

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

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. 1996-10.16, S5.5, 1996)

10.16.056 Wastewater Discharge Permit Revocation. The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to Section 10.16.065 of this chapter;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;

- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Superintendent or his agent timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user. (Ord. 1996-10.16, S5.6, 1996)

10.16.057 Wastewater Discharge Permit Reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 10.16.045 of this chapter, a minimum of one hundred eighty (180) days prior to the expiration of the user's existing wastewater discharge permit. (Ord. 1996-10.16, S5.7, 1996)

10.16.058 Regulation of Waste Received from Other Jurisdictions.

- (1) If another municipality, or sewer district contributes wastewater to the POTW, the Town Council shall enter into an intermunicipal or interdistrict agreement with the contributing entity.
- (2) Prior to entering into an agreement required by paragraph (1), above, the Superintendent shall request the following information from the contributing entity:
 - A. A description of the quality and volume of wastewater discharged to the POTW by the contributing entity;

- B. An inventory of all users located within the contributing entity that are discharging to the POTW; and
 - C. Such other information as the Superintendent may deem necessary.
- (3) An agreement, as required by paragraph (1), above, shall contain the following conditions:
- A. A requirement for the contributing entity to adopt a sewer use ordinance which is at least as stringent as this ordinance and local limits which are at least as stringent as those set out in Section 10.16.024 of this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Town's ordinance or local limits;
 - B. A requirement for the contributing entity to submit a revised user inventory on at least an annual basis;
 - C. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing municipality and the Superintendent;
 - D. A requirement for the contributing entity to provide the Superintendent with access to all information that the contributing entity obtains as part of its pretreatment activities;
 - E. Limits on the nature, quality, and volume of the contributing entity's wastewater at the point where it discharges to the POTW;
 - F. Requirements for monitoring the contributing entity's discharge;
 - G. A provision ensuring the Superintendent access to the facilities of users located within the contributing entity's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and
 - H. A provision specifying remedies available for breach of the terms of the intermunicipal or interdistrict agreement. (Ord. 1996-10.16, S5.8, 1996)

10.16.061 Baseline Monitoring Reports.

- (1) Within either one hundred eight (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing

categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.
- A. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - B. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - C. Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - D. 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 40 CFR 403.6(e).
 - E. Measurement of Pollutants.
 - 1. The categorical pretreatment standards applicable to each regulated process.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 10.16.070 of this chapter.
 - 3. Sampling must be performed in accordance with procedures set out in Section 10.16.071 of this chapter.

- F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- G. 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. 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 10.16.062 of this chapter.
- H. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 10.16.046 of this chapter. (Ord. 1996-10.16, S6.1, 1996)

10.16.062 Compliance Schedule Progress Reports. The following conditions shall apply to the compliance schedule required by Section 10.16.061 (2) (g) of this chapter:

- (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, project status reports, beginning operation, and attain compliance);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the Superintendent. (Ord. 1996-10.16, S6.2, 1996)

10.16.063 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 requirement shall submit to the Superintendent a report containing the information described in Section 10.16.061(2)(d)-(f) of this chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c),

this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 10.16.046 of this chapter. (Ord. 1996-10.16, S6.3, 1996)

10.16.064 Periodic Compliance Reports.

- (1) All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 10.16.046 of this chapter.
- (2) 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.
- (3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent using the procedures prescribed in Section 10.16.071 of this chapter, the results of this monitoring shall be included in the report. (Ord. 1996-10.16, S6.4, 1996)

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

- (1) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.16.045 of this chapter.
- (2) The Superintendent may issue a wastewater discharge permit under Section 10.16.047 of this chapter or modify an existing wastewater discharge permit under Section 10.16.054 of this chapter in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants. (Ord. 1996-10.16, S6.5, 1996)

10.16.066 Reports of Potential Problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- (2) Within five (5) days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be 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 (chapter).
- (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure. (Ord. 1996-10.16, S6.6, 1996)

10.16.067 Reports from Unpermitted Users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent as the Superintendent may require. (Ord. 1996-10.16, S6.7, 1996)

10.16.068 Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a user indicates a violation, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling. (Ord. 1996-10.16, S6.8, 1996)

10.16.069 Notification of the Discharge of Hazardous Waste.

- (1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, if any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to

the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 10.16.065 of this chapter. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 10.16.061, 10.16.063, and 10.16.064 of this chapter.

- (2) Discharges are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Superintendent, the EPA Regional Waste Management Waste Division Director, and the Indiana Department of Environmental Management (IDEM) Office of Solid and Hazardous Waste, of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law. (Ord. 1996-10.16, S6.9, 1996)

10.16.070 Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling

and analyses must be performed in accordance with procedures approved by EPA. (Ord. 1996-10.16, S6.10, 1996)

10.16.071 Sample Collection.

- (1) Except as indicated in Section (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- (2) Samples for oil and grease (O&G), temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques. (Ord. 1996-10.16, S6.11, 1996)

10.16.072 Timing. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 1996-10.16, S6.12, 1996)

10.16.073 Record Keeping. Users subject to the reporting requirements of this ordinance (chapter) shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance (chapter) and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town of Santa Claus, or where the user has been specifically notified of a longer retention period by the Superintendent. (Ord. 1996-10.16, S6.13, 1996)

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

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

- (2) The Superintendent or his agent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- (3) The Superintendent may require the user to install monitoring equipment as necessary. In addition, a Sewage Flow Meter shall be required to be installed by any customer whose private wastewater collection system contains 250' or more of sewer pipe or any customer that purchases 30,000 or more gallons of water per month. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at a minimum of once per year to ensure their accuracy.

Any new or existing nonresidential customer adding new sources of flow to the town sewer system shall be required to install a meter pit sufficient for installation of a flow meter in the event that there is no other suitable access point for such metering.

Any new or existing nonresidential customer whose private wastewater collection system contains Six Hundred (600) feet or more of sewer pipe and all new industrial users shall install in an accessible meter pit a sewage flow meter.

The Town Utility Superintendent shall establish the minimum design specifications for each Meter Pit, Sewage Flow Meter, and monitoring or sampling device. Prior to installation the Town Utility Superintendent shall be notified of the design location and specifications of said pit, flow meter, monitoring or sampling device to determine whether it meets the Town's minimum specifications.

Installation of Meter Pits, Sewage Flow Meters or sampling devices required by this Ordinance for new construction shall be completed prior to final hookup or connections of said new construction to the Town Sewer System. Installation of Meter Pits, Sewage Flow Meters or sampling devices required by this Ordinance for existing customers shall be completed within 180 days of receipt of written notice by the Town Utility Superintendent to install said pits, meters or devices.

The customer's meter pit, sampling, monitoring and flow metering equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least once each year to ensure accuracy.

The specifications for each sewage Flow Meter, along with details and procedures for its installation, repair, replacement and maintenance shall be

subject to approval by the Town Utility Superintendent. The customers shall comply with the written policies and procedures issued by the Town Utility Superintendent and any applicable rules or regulations of State and Federal authorities. For sewer customers that are required to install Sewage Flow Meters immediately upon adoption of this Ordinance, installation of said meter shall be completed on or before October 1, 1999. Installation of Sewage Flow Meters required by this Ordinance for customers for new construction shall be completed prior to final hookup of the new sewer. For any other customers who are given notice of the requirement to install Sewage Flow Meters, installation shall be completed within 150 days after written notice is given by the Town.

- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the Superintendent or his agent access to the user's premises shall be a violation of this ordinance (chapter). (Ord. 1999-02, May 12, 1999) (Ord. 1996-10.16, S7.1, 1996)

10.16.076 Search Warrants. If the Superintendent has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance (chapter), or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Town designed to verify compliance with this ordinance (chapter) or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Spencer County Circuit Court of Rockport, Indiana. (Ord. 1996-10.16, S7.2, 1996)

10.16.080 Confidential Information. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Wastewater Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclosure trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. (Ord. 1996-10.16, S8, 1996)

10.16.091 Notification of Violation. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance (chapter), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation. Service of Notice shall be deemed served if hand delivered to the user or mailed US postage paid or mailed via certified mail return receipt request. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation. (Ord. 1996-10.16, S9.1, 1996)

10.16.092 Agreed Orders. The Superintendent may enter into Agreed Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable. (*sic*) *No Section 10.4 and 10.5 of Ordinance 1996-10.16.* (Ord. 1996-10.16, S9.2, 1996)

10.16.093 Show Cause Hearing. The Superintendent may order a user which has violated, or continues to violate, any provision of this ordinance (chapter), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user. (Ord. 1996-10.16, S9.3, 1996)

10.16.094 Compliance Orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance (chapter), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing 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. (Ord. 1996-10.16, S9.4, 1996)

10.16.095 Cease and Desist Orders. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance (chapter), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Superintendent may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 1996-10.16, S9.5, 1996)

10.16.096 Administrative Fines.

- (1) When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance (chapter), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$2,500 as provided by IC 36-1-3-8. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.
- (2) Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of 1.8 percent per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- (3) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user. (Ord. 1996-10.16, S9.6, 1996)

10.16.097 Emergency Suspensions. The Superintendent may immediately suspend a user's discharge, after formal notice to the user, whenever such suspension is necessary to stop an

actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the user. *There is no Section 10.8 of this ordinance.*
- (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under Sections 10.16.103 or 10.8 of this ordinance. *There is no Section 10.8 of this ordinance.*

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 1996-10.16, S9.7, 1996)

10.16.098 Termination of Discharge. In addition to the provisions in Section 10.16.056 of this chapter, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Section 10.16.021-10.16.029 of this chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.16.103 of this chapter why the proposed action

should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 1996-10.16, S9.8, 1996)

10.16.101 Injunctive Relief. When the Superintendent finds that a user has violated, or continues to violate, any provision of this ordinance (chapter), a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition the Spencer County Circuit Court through the Town's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 1996-10.16, S10.1, 1996)

10.16.102 Civil Penalties.

- (1) A user who has violated, or continues to violate, any provision of this ordinance(chapter), a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Town for a maximum civil penalty \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) The Superintendent 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 Town.
- (3) 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.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 1996-10.16, S10.2, 1996)

10.16.103 Remedies Nonexclusive. The remedies provided for in this ordinance (chapter) are not exclusive. The Superintendent may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Town's enforcement response plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user. (Ord. 1996-10.16, S10.3, 1996)

10.16.111 Rates and Charges for Sewage Service.

- (1) Deposits. All new customers before receiving sewer service, shall tender the sum of One Hundred Dollars (\$100.00) to the Clerk-Treasurer for deposit. If the residential customer is also the owner of the property at which service is provided, a letter verifying the customer's credit worthiness may be presented from the customer's previous water or sewer utility to the Clerk-Treasurer for consideration of acceptance in lieu of the deposit prior to receiving service from the Town. All existing customers if for any reason, are shut off from the system, before being reconnected shall tender to the Clerk-Treasurer the sum of \$100.00 for deposit.

The deposit will be returned to the residential customer who is the owner of the property at which service is provided at such a time when twelve (12) consecutive monthly payments have been made in full by the monthly due date, or until said residential customer vacates the premises. The deposits will be returned to the renter only the premises leaving a bill, the Town will apply the deposit to the outstanding sewer bill. If monies are left following application of such deposit, the remaining deposit will be applied to any outstanding water bill owed to the town by the customer and, if monies remain following such application, the balance shall be returned to the customer.

Any person requesting the Town to provide sewer services to a location outside of the Town's corporate limits, shall pay a nonrefundable application fee of \$100.00 accompanied by a completed and properly executed Application form provided by the Town Utility Department. There shall be only one \$100.00 fee charge per Application even if the Application includes a request for sewer and water service. (Ord. 2005-09, Aug. 8, 2005) (Ord. 1998-14, Nov. 11, 1998) (Ord. 1996-10.16, S11.1A, 1996) (Ord. 1995-04, S01, 1995) (Ord. 1983, Aug. 22, 1983)

- (2) Tap in Fees

- A. It shall be unlawful for a person to connect or tap-into a public sewer, or to make a connection or tap-in to any existing sewer which ultimately discharges into a public sewer, without first obtaining a permit to do so. Any connection or tap-in to a public sewer made without first obtaining the permit required by this section may be abated and disconnected by the Town without notice or legal procedure.
- B. There shall be a tap-in fee of one thousand three hundred seventy-eight dollars and forty-three cents (\$1,378.43) for each connection, payable by the owner of the building or other equipment which is tapping into any municipal sewer line, whether such line be a gravity line or a force main line.

There shall be an automatic increase in the tap-in fee of two percent (2%) annually, with the first increase to be effective January 1, 2006.

The following is a schedule for users and the tap in fees each user shall pay with such fee to be determined by the following ratios to a single family dwelling unit tap-in fee:

Exhibit "A"

<u>Kind of User</u>	<u>Ratio to Single Family Dwelling Unit</u>
Single family dwelling unit	1.00
Two family dwelling unit	1.50
Three family dwelling unit	1.75
Multiple family dwelling unit with a least four dwelling units - - per each unit available	0.50
Mobile home - - per mobile home space available for rent	0.75
Retail establishments, restaurants and taverns - - less than 3 employees	1.00
3 to 5 employees	2.00
each additional 5 employees	1.00
or fraction thereof	1.00
Lodges, veterans organizations, churches and similar organizations	1.00
Professional offices, governmental offices, service businesses such as Insurance, banks public utilities, etc. and industrial businesses:	
less than 4 employees	1.00
4 to 8 employees	2.00
9 to 15 employees	3.00
each additional 10 employees or fraction thereof	1.00
Gasoline service stations	1.50
Drive-in eating establishments	3.00
Laundromats - - per washer	0.67

Nursing homes - - per bed	0.30
Hospitals - - per bed	0.50
Hotels, Motels, RV Parks and Campsites - - per room or site (if meals are served an additional charge shall be made as provided under restaurants.)	0.25
Schools - - per enrolled pupil	0.03

Each of the users in the aforementioned schedule are to compute their fee by determining what the fee is if their building is a single family dwelling unit under the provisions of this ordinance and then multiplying that figure by the ratio as enumerated in the aforementioned schedule.

There shall be an automatic increase in the aforementioned tap-in fees of 2% annually, with the first increase to be effective January 1, 1999 and to increase 2% annually thereafter on January 1 of each successive year. (Ord. 1998-12, Oct. 14, 1998)

- C. The study by Municipal Consultants dated February 11, 1998 and entitles “Santa Claus Municipal Sewer Utility, Santa Claus, Indiana, Study of Waste Water Facility connection Charge” attached hereto as Exhibit “A” is hereby incorporated by reference as part of this ordinance.
- D. There shall not be a connection charge for any lot or parcel of real estate upon which a vacant lot assessment is being paid. There shall not be any connection charge for any lot or parcel of real estate located in the January Section of Holiday Village prior to July 6, 2008 (15 years from date of acceptance of those sewers by the Town, July 6, 1993) provided there is installed at said lot a “Y” connection.
- E. This section shall not apply to any contract or Interlocal agreement which may be negotiated by the Town Council with any Conservancy District, Municipality or other taxing unit located outside of the boundaries of the Town of Santa Claus for connection to the Town Sewer System. Any such connection by Contract or Interlocal agreement with a Conservancy District, Municipality or other taxing unit may be at a negotiated between the Town and the other entity.
- F. In the event sewer service has been disconnected for any reason, appropriate fees must be paid, including past due sewer charges and/or a new sewer service application be completed before the sewer service will be reconnected. (Ord. 1998-05, June 10, 1998)

(Ord. 1996-10.16, S11.1B, 1996) (Ord. 1994-04, S02,1995) (Ord. 1984-13, S1, 1984)(Ord. 1983-08, Aug. 22, 1983)

(3) Rates and Charges for Sewage Disposal Service

For the use of and the service rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary sewer system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly into the sanitary sewer system of the Town, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- A. Except as herein otherwise provided, sewer rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter therein used; or in special situations, where sewage discharged is measured by any other means as deemed necessary by the Town, the charges thereof shall be based upon the quantity of sewage discharged.
- B. The usage schedule on which the amount of said sewage rates and charges shall be determined shall be as follows:

<u>Quantity of Water Used or Quantity of Sewage Otherwise Metered per Month</u>	<u>Sewage Charge Per 1, 000 Gallons</u>
First 5,000 gallons	\$ 10.40
Next 15,000 gallons	10.07
Next 25,000 gallons	9.45
Over 45,000 gallons	8.54

MINIMUM CHARGES BASED ON WATER METER SIZE - The minimum sewage charge for each user shall be based on the size of the water meter servicing the property or premises as follows:

<u>Water Meter Size (in inches)</u>	<u>Gallons Allowed</u>	<u>Minimum Monthly Sewage Charge</u>
5/8	2,000	\$ 20.80
3/4	3,000	31.20
1	5,000	52.00
1 1/2	12,000	122.49
2	20,000	203.05
3	30,000	297.55
4	50,000	482.00
6	100,000	909.00

The minimum sewage charge for any user except as provided herein shall not be less than twenty dollars and eighty cents (\$20.80) per month. Owners of lots in January Section of Holiday Village who are users will receive a monthly sewage credit of four dollars and sixty-eight cent (\$4.68) until July, 2008 as per the agreement between the Town and Santa Claus Land, Inc., dated July 6, 1993. The above schedule of rates and charges, including the minimum charges, shall be effective and be payable for the first month after the passage of this Ordinance upon notice and hearing.

The owner of every lot, the property line of which is within three hundred (300) feet of a local or lateral sewer, who does not pay a rate or charge as provided above, shall pay a rate or charge although the property is vacant or unimproved; provided that in duly recorded covenants and restrictions pertaining to the plat of which such lot is a part, there is a provision that a charge or assessment may be made for sewer availability. Said rate or charge shall be in the amount determinable as follows:

<u>Subdivisions which have a Provision for Charge</u>	<u>Monthly Vacant Lot Charge</u>
Carol Hills	\$ 4.00
Polar Shores	4.00
All other Subdivisions in Christmas Lake Village except Melchior, and Lake View Subdivisions	6.00

If a customer's payment by check is returned to the utility for insufficient funds, a returned check fee no greater than \$20.00 will be charged. The customers of the Lamar Conservancy District shall pay a rate to the Town of Santa Claus equal to Town's rates as determined under above section 3(i) and 3(ii). The customers of the Lamar Conservancy District may be subject to additional charges of that District. The rates and charges set forth in this Ordinance shall be effective for the December 2001 billing. (Ord. 2001-02, No Date) (Ord. 2000-02, No Date) (Ord. 1998-04, July 30, 1998) (Ord. 1996-10.16, S11.1, 1996) (Ord. 1995-06, S03, 1995) (Ord. 1995-04, SIII, 1995) (Ord. 1992-03, S1, 1992) (Ord. 1984-12, S1, 1984) (Ord. 1980-05, S1, 1980) (Ord. 1975-2, S1, 1975) (Ord. 1970-4, S1, 1970)

10.16.112 Non-Municipal Water Source - Generally. The quantity of water obtained from sources other than the municipal waterworks and discharged into the public sanitary sewer system may be determined by the Town in such manner as the Town shall elect, and the sewage treatment service may be billed at the above appropriate rates. (Ord. 1996-10.16, S11.2, 1996) (Ord. 1970-4, S2a, 1970)

10.16.113 Non-Municipal Water Source - Measuring. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the

Town's sanitary sewage system, either directly or indirectly, is not a user of the water supplied by the Town's waterworks and the water used thereon or therein is not measured by a meter, or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town, in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of the sewage discharge. (Ord. 1996-10.16, S11.3, 1996) (Ord. 1970-4, S2b, 1970)

10.16.114 Multiple Water Sources. In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, is a user of water supplied by the Town's waterworks, and in addition uses water from other source which is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town in order to ascertain the rates of charge, or the owner or other interested party, at his expense, may install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge. (Ord. 1996-10.16, S11.4, 1996) (Ord. 1970-4, S2c, 1970)

10.16.115 Other Means of Discharge. In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sanitary sewer system, either directly or indirectly, and uses water in excess of 20,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewer system, then the owner or other interested party shall install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge. (Ord. 1996-10.16, S11.5, 1996) (Ord. 1970-4, S2d, 1970)

10.16.116 Alternative Sewage Metering. The Superintendent may at his discretion require the installation of sewage metering and flow monitoring devices when evidence of or an exposure to infiltration indicates that wastewater billing predicated upon water consumption is inaccurate. The cost of such metering and recording equipment as well as the cost of the installation of said equipment will be charged to and paid by the property owner. (Ord. 1996-10.16, S11.6, 1996)

10.16.117 Infiltration Monitoring. When inflow and/or infiltration exceeds the limits as outlined in Section 10.16.027, the Superintendent may have installed the necessary monitoring and recording equipment to ascertain the maximum flow rates experienced under various conditions. In addition, a Sewage Flow Meter shall be required to be installed by any customer whose private wastewater collection system contains 250' or more of sewer pipe or any customer that purchases 30,000 or more gallons of water per month. The cost of the equipment and its installation will be billed to and paid by the property owner.

This information will be used to determine the impact the excessive I/I is having on the collection system as well as the P.O.T.W. and will in turn become the foundation for the

development of a surcharge or any other penalty deemed necessary. In addition it will be used to monitor any progress or the lack thereof towards the elimination of the problem.

The specifications for each Sewage Flow Meter, along with details and procedures for its installation, repair, replacement and maintenance shall be subject to approval by the Town Utility Superintendent. The Superintendent may at any time have temporary flow meters installed for monitoring and sampling of any customer's wastewater flow. The customers shall comply with the written policies and procedures issued by the Town Utility Superintendent and any applicable rules or regulations of State and Federal authorities. For sewer customers that are required to install Sewage Flow Meter immediately upon adoption of this Ordinance, installation of said meter shall be completed on or before October 1, 1999. For any other customer not otherwise required to utilize a permanent wastewater flow meter, when the Superintendent determines, by any means, that inflow and/or infiltration exceeds the limits as outlined in Section 10.16.027 above, the Superintendent shall require the customer to either repair and correct the condition giving rise to the excess flows, or to install a permanent wastewater flow meter. Installation of Sewage Flow Meters required by this Ordinance for customers for new construction shall be completed prior to final hookup of new sewer. For any other customers who are given notice of the requirement to install Sewage Flow Meters, installation shall be completed with 150 days after written notice is given by the Town. Surcharges provided for above at Section 10.16.022 for excess wastewater may be imposed utilizing the information obtained from sources including temporary or permanent flow meters. (Ord. 2000-03, Feb. 23, 2000) (Ord. 1999-02, May 12, 1999) (Ord. 1996-10.16, S11.7, 1996)

10.16.118 Multiple Residential Lots Measured by One Meter. In the event two (2) or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the Town's sanitary sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the minimum charge and the sewage rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter. (Ord. 1996-10.16, S11.8, 1996) (Ord. 1970-4, S2e, 1970)

10.16.119 Multiple Dwelling Units on a Single Meter. In the event two (2) or more dwelling units such as trailers, apartments, or housekeeping rooms discharging sanitary sewage, water or other liquids into the Town's sanitary sewer system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case billing shall be for a single service in the manner set out elsewhere herein, except that an additional charge shall be added thereto in the amount of one-half (1/2) of the minimum charge per month for each dwelling unit over one (1) served through the single water meter. In the case of trailer parks the number of dwelling units shall be computed and interpreted as the total number of trailers located and installed in said park plus any other dwelling units serve through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided. (Ord. 1996-10.16, S11.9, 1996) (Ord. 1970-4, S2f, 1970)

10.16.120 Summer Usage Average on Sewer Rates. For residential customers whose sewer usage is determined by the metered water usage of such customer, for the use of and service rendered by the sewage works for each of the months of June, July and August there shall be charged the lesser of:

- (1) An average of such customer's metered usage for the nine (9) month period consisting of the months of January, February, March, April, May, September, October, November and December first preceding the month for which such usage is being determined, plus an additional one thousand (1,000) gallons;
- (2) The customer's actual usage otherwise determined under this Chapter. (Ord. 2008-6, S10.16.120, Oct. 13, 2008) (Ord. 1996-10.16, S11.10, 1996) (Ord. 1984-08, S1, 1984) (Ord. 1970-4, S2g, 1970)

10.16.121 Adjusting Charge for Fire Protection. Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the minimum charge and in the use charge as may be equitable. (Ord. 1996-10.16, S11.11, 1996) (Ord. 1970-4, S2h, 1970)

10.16.122 Rates for the Town. For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided or to rates and charges established in harmony therewith. (Ord. 1996-10.16, S11.12, 1996) (Ord. 1970-4, S2i, 1970)

10.16.123 No Free Service. No free service of said sewage works shall be permitted. (Ord. 1996-10.16, S11.13, 1996) (Ord. 1970-4, S4, 1970)

10.16.124 Billing - Payment - Inspection of Records. The rates and charges shall be prepared and billed by the Town monthly, as the Town may deem appropriate and as determined by the bylaws and regulations of the Town as hereinafter provided for, and shall be collected in a manner provided by law and ordinance. Said rates and charges will be billed to the tenant or tenants occupying the property served unless otherwise requested in writing by the owners, but such billing shall in no wise 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 Town for the purpose of determining whether such rates and charges have been paid by such tenants, provided that such examination shall be made in the office in which said records are kept and during the hours that such office is open for business. Any rates or charges not paid when due are hereby declared to be delinquent and a penalty of ten per cent (10%) of the amount of the delinquent rates or charges shall thereupon be attached thereto. If any rates or charges shall remain unpaid and delinquent for thirty (30) days after being due, the water service by the municipal waterworks to such property shall be discontinued and not turned on again until such delinquent rates and charges shall have been paid; provided that written notice of such action shall be given by regular United States mail posted not less than ten (10) days prior to the date upon which such water service is to be discontinued and shall be addressed to such water consumer or such property owner at his last known address. (Ord. 1996-10.16, S11.14, 1996) (Ord. 1970-4, S6, 1970)

10.16.125 Rates Effective When. Except as otherwise provided, the rates and charges as herein set forth shall become effective on the date that sanitary sewers of the sewer system are made available for connection to any lot, parcel of real estate or building; but in any event, said rates and charges shall become effective no later than January 1, 1972, in order that the first billing for sewage service shall be rendered no later than February 1, 1972. (Ord. 1996-10.16, S11.15, 1996) (Ord. 1970-4, S8, 1970)

10.16.126 Sewer Utility Ordinance Enforcement Program Charges and Fees. The Council may adopt reasonable fees for reimbursement of costs of setting up and operating the Town's Sewer Utility Ordinance Enforcement Program which may include:

- (1) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (2) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- (3) Fees for reviewing and responding to accidental discharge procedures and construction;
- (4) Fees for filing appeals; and
- (5) Other fees as the Council may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance (chapter) and are separate from all other fees, fines, and penalties chargeable by the Town. (Ord. 1996-10.16, S11.16, 1996)

10.16.131 Private Disposal Facilities Authorized. Where a public sanitary or combined sewer is not available under the provisions of Section 10.16.020(4), *This reference is not in Ordinance 1996-10.16.* the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section. (Ord. 1996-10.16, S12.1, 1996) (Ord. 1970-5, S3a, 1970)

10.16.132 Private Disposal Facilities Permit. Before commencement of construction of a private sewage disposal system the Owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Superintendent. A non-refundable permit and inspection fee of one hundred dollars (\$100.00) shall be paid to the Town at the time the application is filed.

A permit application shall be required and an inspection shall be made for replacement of an existing service, but no permit and inspection fee shall be charged. (Ord. 1996-10.16, S12.2, 1996) (Ord. 1987-01, S1, 1987) (Ord. 1984-04, S1, 1984) (Ord. 1970-5, S3b, 1970)

10.16.133 Private Disposal Facility Inspection. A permit for a 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 forty-eight (48) hours of the receipt of notice by the Superintendent. (Ord. 1996-10.16, S12.3, 1996) (Ord. 1970-5, S3c, 1970)

10.16.134 Type, Capacities, Location, Layout of Private Disposal Facilities. The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Indiana Department of Health. 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 eight thousand (8,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet. (Ord. 1996-10.16, S12.4, 1996) (Ord. 1970-5, S3d, 1970)

10.16.135 Abandonment of Private Disposal Facilities. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 10.16.030(4), *This section in not in Ordinance 1996-10.16 also known as 2(d) of Ordinance 1970-5.* a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable materials. (Ord. 1996-10.16, S12.5, 1996) (Ord. 1970-5, S3e, 1970)

10.16.136 Operation and Maintenance of Private Disposal Facilities. The Owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town. (Ord. 1996-10.16, S12.6, 1996) (Ord. 1970-5, S3f, 1970)

10.16.137 Private Disposal Facilities Additional Requirements. No statement contained in this Section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer. (Ord. 1996-10.16, S12.7, 1996) (Ord. 1970-5, S3g, 1970)

10.16.138 Sludge Cleaned and Filled with Clean Gravel or Dirt of Private Disposal Facilities. When a public sewer becomes available, the building sewer shall be connected to said sewer within sixty (60) days and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt. (Ord. 1996-10.16, S12.8, 1996) (Ord. 1970-5, S3h, 1970)

10.16.140 Effective Date.

- (1) This Ordinance shall become immediately effective upon its adoption by the Town Council signatures by the Council Members, enrollment in the book of Ordinances, and publication of notice as required by law.
- (2) Any Ordinance in contradiction to this Ordinance is hereby repealed. (Ord. 1996-10.16, S13, 1996)

Chapter 10.28

FIXED ASSET DEPRECIATION SCHEDULE FOR UTILITIES

Sections:

10.28.010 Depreciation Allowance

10.28.010 Depreciation Allowance. The Town Council of the Town of Santa Claus so desires to establish a fixed asset depreciation schedule for their water and wastewater utilities. The following depreciation shall be used on all fixed assets for the Town of Santa Claus Utilities:

Building	3%
Improvements Other Than Buildings	1.5%
Machinery and Equipment	10%
Transportation Equipment	15%
Land	Not to be depreciated

(Ord. 1999-05, S1, Dec. 8, 1999)