

CHAPTER 53: SEWERS AND SEWAGE DISPOSAL

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GENERAL PROVISIONS

§ 53.001 PURPOSE AND POLICY.

This Chapter sets forth uniform requirements for discharges into the Hobart Sanitary District (HSD) sewage system (SS), which operates according to an Indiana Department of Environmental Management (IDEM) issued National Pollution Discharge Elimination System Permit (NPDES Permit), and which eventually discharges into and through the Gary Sanitary District (GSD) Publicly Owned Treatment Works (POTW) to the Grand Calumet River, a tributary to Lake Michigan. These requirements enable the HSD to protect public health and

safety, ensure a properly operating and sound sewer infrastructure system in the future, and comply with its NPDES Permit and all applicable local, state, and federal laws, rules, and regulations relating thereto. In achieving these objectives, the HSD may contract with the GSD to assist the HSD with the implementation of the HSD's Non-Domestic Waste Pretreatment Program. (Ord. 2021-01, § I)

§ 53.002 OBJECTIVES.

(A) The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the HSD's and the GSD's wastewater collections and treatment systems that will interfere with the proper operation of the HSD and GSD SS or the GSD POTW, or contaminate the resulting municipal sludge; or result in HSD's or GSD's violation of their ordinance, permit, orders, laws, or rules and regulations, etc.;
- (2) To prevent the introduction of pollutants into the HSD SS that will pass through the GSD POTW inadequately treated, into receiving waters, or otherwise be incompatible with the proper operation of POTW;
- (3) To promote the reuse and recycling of industrial wastewater treated and discharged by the GSD POTW and the sludge produced by the GSD POTW;
- (4) To protect both the HSD and GSD personnel who may be affected by wastewater and sludge during their employment and the public;
- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the HSD SS to dischargers of non-domestic waste;
- (6) To provide for the regulation of discharges into the HSD SS through the issuance of non-domestic waste discharge permits, the execution of inter-jurisdictional agreements, and the enforcement of administrative regulations; and
- (7) To eliminate the introduction of infiltration and inflow into the HSD SS that would use capacity in the system otherwise reserved for community growth.

(B) To further these objectives, this Chapter details the general regulation of discharges to HSD's SS, the issuance of connecting permits for building sewers, the inspection of building sewers, the issuance of construction permits for sewer construction, the issuance of discharge permits for industrial users of the system, and enforcement of all applicable local, state, and federal laws and regulations as required by the Clean Water Act, General Pretreatment Regulations (40 CFR Part 403), and consistent with the HSD's Enforcement Response Guide.

(Ord. 2021-01, § I)

§ 53.003 DEFINITIONS.

As used in this Chapter, the following terms shall have the meanings assigned to them in this part unless the context specifically indicates otherwise:

ACT shall mean the Federal Water Pollution Control Act, as amended, 33 USC 1251 et. seq., also known as the Clean Water Act.

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ADMINISTRATOR and **APPROVAL AUTHORITY** shall mean, respectively, the Regional Administrator of the U.S. Environmental Protection Agency (USEPA) and the Commissioner of the Indiana Department of Environmental Management (IDEM).

AMMONIA NITROGEN shall mean the concentration, expressed in milligrams per liter (mg/l) of nitrogen in the ammonia form. Determination of ammonia nitrogen shall be per 40 CFR Part 136.

ASTM INTERNATIONAL shall mean the American Society for Testing and Materials.

AUTHORIZED REPRESENTATIVE or **DULY AUTHORIZED REPRESENTATIVE** shall mean:

- (1) If the User is a corporation:
 - (a) 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
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager under corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) 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.
- (4) The individuals described in paragraphs (a) through (c), above, may designate a Duly 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 GSD.

BEST MANAGEMENT PRACTICES or **BMPs** shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to comply with the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BOARD shall mean the HSD's Board of Commissioners.

BUILDING DRAIN shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge from sanitary waste and other drainage pipes inside the walls of the building and conveys it to the building sewer which begins five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER shall mean the pipe extending from the Building Drain to its connection to the public sewer or other place of discharge and shall include that portion of the Building Sewer within the public right-of-way.

BYPASS shall mean the intentional diversion of waste streams from any portion of an industrial user's treatment facility and is consistent with the language contained in 40 CFR Part 403.17.

CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (cBOD5) - measures the quantity of oxygen utilized in the biochemical oxidation of organic or carbon compounds while inhibiting the nitrogenous oxygen demand under standard laboratory conditions and by using standard laboratory analytical procedures, per 40 CFR 136, in five (5) days at twenty (20) degrees centigrade, expressed in mg/l.

CATEGORICAL INDUSTRIAL USER shall mean an industry whose effluent is regulated under 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL PRETREATMENT STANDARD shall mean any regulation containing pollutant discharge limits promulgated by USEPA per Section 307 (b) and (c) of the Act which applies to a specific category of industrial users and contained in 40 CFR Chapter I, Subchapter N, Parts 405-471.

COMBINED SEWER shall mean a sewer designed to carry sanitary wastewater and storm or surface-water runoff.

COMMISSIONERS shall mean the five (5) members of the Board of Commissioners of the Hobart Sanitary District.

COMPATIBLE POLLUTANTS shall mean wastewater having or containing (a) measurable biochemical oxygen demand (cBOD5), (b) total suspended solids, (c) pH, (d) fecal coliform bacteria, (e) phosphorus, (f) ammonia-nitrogen, or (g) additional pollutants identified or defined in the GSD's National Pollutant Discharge Elimination System (NPDES) Permit or by the State or Board. It is further clarified that conventional pollutants as identified by the USEPA according to Section 304 (a)(4) of the Act in a form which causes interference with the POTW operations shall be considered non-compatible.

COMPOSITE SAMPLE shall mean a twenty-four (24) hour composite sample containing a minimum of twelve (12) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required to determine the average conditions during the compositing period when the wastewater loading is highly variable.

CONTROL AUTHORITY shall mean the GSD and HSD, on behalf of the GSD, per the Industrial Pretreatment Program Agreement between the HSD and GSD, as amended.

DIRECT DISCHARGE shall mean the discharge of treated or untreated wastewater directly to the waters of the State of Indiana.

DISCHARGE MONITORING REPORT shall mean the discharge monitoring report required by the Non-Domestic Waste Discharge Permit describing, through representative

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sampling and measurements performed per 40 CFR 136, the nature of and contaminants in the monitored effluent discharge of an industrial user.

DOMESTIC WASTEWATER shall mean wastewater of the type commonly introduced into a POTW by residential users.

EFFLUENT shall mean the water which can be discharged from industry or a wastewater treatment plant, together with any waste that may be flowing out of a drain, sewer, receptacle, or outlet.

EXISTING SOURCE shall mean any source that is not a new source.

FATS, OILS, & GREASE or **FOG** shall mean a group of substances including hydrocarbons, fatty acids, soaps, fats, waxes, oils, or any other materials that are extracted by a solvent from an acidified sample that are not volatilized during the laboratory test procedures. This includes polar (animal or vegetable in origin) and non-polar (Total Petroleum Hydrocarbons) substances. Oils and Greases are more specifically defined by the standard method used for their determination.

FOG CONTROL DEVICE shall mean any interceptor, grease trap, or other mechanism, device, or process that attaches to or is applied to wastewater plumbing fixtures and lines, the purpose of which is to trap or collect FOG before it is discharged into the POTW.

FOOD SERVICE ESTABLISHMENT shall mean a fixed or mobile restaurant, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, nightclub, drive-in, industrial feeding establishment, private organization serving the public, rental hall, catering kitchen, delicatessen, theater, commissary, food concession, or similar place in which food or drink is prepared for direct consumption through service on the premises or elsewhere, and any other eating or drinking establishment or operation where food is served or provided for the public.

FOUNDATION DRAINS shall mean any network of pipes, pumps, or drainage mechanisms located at, or under a footing, foundation, or floor slab of any building or structure that intentionally or unintentionally conveys groundwater away from a building or structure.

GARBAGE shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from handling, storage, and sale of produce, meat, fish, seafood, fowl, and condemned food.

GARY SANITARY DISTRICT or **GSD** shall mean the Sanitary District of the City of Gary, Lake County, Indiana commonly known as the Gary Sanitary District, and the Board of Commissioners thereof. Any reference thereto shall mean all territory within the perimeter of the GSD's boundaries or under its jurisdiction.

GRAB SAMPLE shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period not to exceed fifteen (15) minutes.

GREASE INTERCEPTOR shall mean a device located inside a food service establishment or under a sink designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the POTW system by gravity.

GREASE TRAP shall mean a device located underground and outside a food service facility designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of the liquid waste to discharge to the POTW system by gravity.

HOBART SANITARY DISTRICT or **HSD** shall mean the City of Hobart, Lake County, Indiana Sanitary District, and the five (5) member Board of Commissioners. Any reference to "HSD" shall mean all areas and incorporated territory within the perimeter of HSD's boundaries or under the HSD's ad valorem taxing jurisdiction.

HSD SEWER shall mean a sewer owned and operated by the HSD.

IDEM shall mean the Indiana Department of Environmental Management.

INDIRECT DISCHARGE shall mean the discharge or the introduction of non-domestic pollutants from any source regulated under Section 307 (b),(c), or (d) of the Act (33 U.S.C. 1317), into the HSD SS (including holding tank waste discharged into the system).

INDUSTRIAL PRETREATMENT COORDINATOR shall mean the person authorized by the Board of Commissioners to implement and enforce the provisions of this Chapter, including, but not limited to, conducting onsite inspections authorized by this Chapter; preparing Non-Domestic Waste Discharge Permits; issuing, when appropriate, notices of violation, cease and desist orders, and civil penalties and surcharges; and taking emergency action to abate violations of this Chapter or a Non-Domestic Waste Discharge Permit issued hereunder which violations pose an imminent threat to the health and/or safety of any person or substantial harm to the environment.

INDUSTRIAL PRETREATMENT PROGRAM or **PRETREATMENT PROGRAM** or **PROGRAM** means a program administered by HSD that meets the criteria established in 327 IAC 5-19-3 and 40 CFR 403 for allowing the discharge of non-domestic wastewater into the HSD SS.

INDUSTRIAL USER shall mean any user of the sewage system who discharges, causes, or permits the discharge of non-domestic wastewater into the HSD SS.

INDUSTRIAL WASTE shall mean all solid, liquid, or gaseous waste resulting from any commercial, industrial, manufacturing, agricultural, trade, or business operation or process from the development, recovery, or processing, of natural resources.

INFILTRATION shall mean the groundwater entering the sewer system from the ground through such means as, but not limited to, defective or poorly constructed pipes, pipe joints, pipe connections, and manholes or from drainage pipes constructed to remove groundwater from locations and areas such as building foundations and farm fields.

INFLOW shall mean the storm and surface water entering directly into the sewers from such sources as, but not limited to, manhole covers, roof drains, basement drains, land drains, foundation drains, cooling/heating water discharges, catch basins, or stormwater inlets.

INTERFERENCE shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, which either:

- (1) Inhibits or disrupts the GSD's Wastewater Treatment Plant, its treatment processes or

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- operations, or its sludge processes, use or disposal; or
- (2) Is a cause of a violation of any requirement of the HSD or GSD NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), [including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared under Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, or the Marine Protection, Research and Sanctuaries Act.

LIFT STATION shall mean any arrangements of pumps, valves, and controls that lift wastewater to a higher elevation.

LOCAL LIMIT shall mean specific discharge limits developed and enforced by the HSD upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

MAXIMUM DAILY DISCHARGE CONCENTRATION shall mean the highest allowable pollutant concentration in a daily discharge for any calendar day during a calendar month based upon the type of sample (e.g., grab, 24-hour composite) required under this Chapter, an HSD issued discharge permit, or a categorical pretreatment standard promulgated by USEPA.

MEDICAL WASTES shall mean 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, or any other waste resulting from the provision of medical treatment.

MONTHLY AVERAGE shall mean the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

MONTHLY AVERAGE LIMIT shall mean the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or **NPDES PERMIT** shall mean the permit issued under the national program for the discharge of wastewater to the navigable waters of the United States.

NATURAL OUTLET shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

NEW SOURCE shall mean:

- (1) 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 apply to such source if such standards are thereafter promulgated under that Section, provided that:
- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

- (b) The building, structure, facility, or installation replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) 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 engaged in the same general type of activity as the existing source should be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (a)(1) or (a)(3) of this definition but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
- a) Begun, or caused to begin as part of a continuous onsite construction program: any placement, assembly, or installation of facilities or equipment; or 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 facilities or equipment; or
 - b) 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 that 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.

NONCONTACT COOLING WATER shall mean the water used for cooling that does not come into direct contact with raw material, intermediate product, waste product, or finished product.

NON-DOMESTIC WASTE DISCHARGER shall mean any user of the POTW who discharges, causes, or permits the discharge of non-domestic wastewater into HSD's SS.

NON-DOMESTIC WASTE shall mean all non-domestic solid, liquid, or gaseous waste resulting from any commercial, industrial, manufacturing, agricultural, trade or business operation or process or from the development, recovery, or processing of natural resources.

NON-DOMESTIC WASTEWATER shall mean a combination of liquid and water-carried non-domestic waste discharged from any establishment and resulting from any trade or process conducted, including the wastewater from pretreatment facilities and polluted cooling water.

NONINDUSTRIAL USER shall mean all users of the POTW not included in the definition of "Non-Domestic Waste Discharger".

OUTLET shall mean a pipe or hole through which liquid or gas may escape.

PASS THROUGH shall mean 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 GSD's NPDES permit, including an increase in the magnitude or duration of the violation.

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PERMIT means any written authorization, license, or equivalent document issued by USEPA, IDEM, or a POTW to regulate the discharge of pollutants, the construction of water pollution treatment or control facilities, or land application of sludge or waste products.

PERSON shall mean any individual, partnership, trust, firm, company, association, society, corporation, group, or governmental agency, including but not limited to, the United States of America, the State of Indiana and all political subdivision authorities, districts, departments, agencies, bureaus, and instrumentalities thereof, or any other legal entity.

pH shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units.

PHOSPHORUS shall mean the concentration, expressed in mg/l, of Total Phosphorus as measured per 40 CFR 136.

POLLUTANT means, but is not limited to dredged spoil, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemicals, chemical materials, chemical wastes, solid wastes, toxic wastes, hazardous substances, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended; 42 U.S.C. 2011, et seq.), heat, wrecked or discarded equipment, rock and sand, cellar dirt, and other industrial, municipal, and agricultural waste contained in or discharged into water, as well as, certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, cBOD5, COD, toxicity, or odor).

POLLUTION shall mean the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

PRETREATMENT shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater before, or instead of, introducing such pollutants into a sewage system. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except by dilution or as prohibited by 40 CFR Part 403.6(d) and 327 IAC 5-12-3(e).

PRETREATMENT FACILITIES shall mean the equipment used for the pretreatment of non-domestic wastewater before discharging to the HSD SS.

PRETREATMENT REQUIREMENTS shall mean any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user, including applicable local limits.

PRETREATMENT STANDARDS include requirements under the state pretreatment standards established in 327 IAC 5-18-8; pretreatment standards for prohibited discharges, established in 327 IAC 5-18-2; and national categorical pretreatment standards incorporated by reference in 327 IAC 5-18-10.

PRIVATE SEWAGE DISPOSAL SYSTEM shall mean any sewage disposal or treatment system not connected to a public sewer and constructed to receive and treat residential, commercial, or industrial waste.

PROCESS WASTEWATER means any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

PROHIBITED DISCHARGES shall mean an absolute prohibition against the discharge of any of the substances listed in §53.102 of this Chapter

PROPERLY SHREDDED GARBAGE shall mean the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

PUBLIC SEWER shall mean any combined or sanitary sewer or lift station located within the public right-of-way or dedicated easement and which is owned or controlled by a public authority.

PUBLICLY OWNED TREATMENT WORKS or **POTW** shall mean any structure or facility that collects and conveys wastewater to a POTW and a wastewater treatment works or plant, as defined by Section 212 of the Act (33 USC Section 1292) which is owned by a State, political subdivision, or municipality (as defined by section 502(4) of the Act). This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature.

SANITARY SEWER shall mean a sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE shall mean wastewater.

SEWAGE SYSTEM or **SS** shall mean the network of publicly owned sewers and appurtenances used for collecting, transporting, and pumping wastewater to a wastewater treatment plant. This term is also expressed as municipal wastewater system or wastewater collection system.

SEWER shall mean a pipe or conduit for carrying wastewater or stormwater.

SEWER WORK shall mean the connecting of any building sewer to the HSD's sewage system, the making of a significant alteration to or significant repair to a building sewer, to a building drain, or the altering or repairing of an HSD sewer.

SHALL is mandatory; "may" is permissive.

SIGNIFICANT INDUSTRIAL USER shall mean: 1) any Categorical Industrial User (CIU); 2) any industrial user which a) discharges an average of twenty-five thousand (25,000) gallons or more of process wastewater per day to the HSD sewage system (excluding sanitary, noncontact cooling water, and boiler blowdown wastewater); b) contributes processed water which makes up five percent or more of the dry weather average hydraulic or organic capacity of HSD's SS; or c) is found by HSD, GSD, IDEM, or the USEPA to have a reasonable potential for adversely affecting the sewage system or for violating any pretreatment standard or requirement, the HSD may at any time, upon its own initiative or in response to a petition received from an industrial user and in accordance 40 CFR 403.8(I) (6), determine that such an industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC) shall mean a Non-Domestic Waste Discharger's effluent discharge is in Significant Noncompliance if its violations meet one or more of the following criteria:

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- 1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);
- 2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three (33) percent or more of all the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed the product of the pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for cBOD5, TSS, FOG, and 1.2 for all other pollutants except pH);
- 3) Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, longer-term average, instantaneous limit, or narrative standard) that the GSD and/or HSD determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the public);
- 4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or the environment or has resulted in the POTW's exercise of its emergency authority under §53.712 to halt or prevent such a discharge;
- 5) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- 6) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- 7) Failure to accurately report non-compliance; and
- 8) Any other violation or group of violations, including best management practices, which HSD determines will adversely affect the operation and implementation of the local pretreatment program.

SLUG LOAD or **SLUG** shall mean any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge at a flow rate or concentration that has a reasonable potential to cause interference or pass through or in any other way violate this Chapter or the GSD Ordinance and any NPDES Permit.

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

STATE shall mean the State of Indiana.

STANDARD INDUSTRIAL CLASSIFICATION or **SIC** shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.

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

STORM DRAIN OR STORM SEWER shall mean a sewer that carries storm and surface water and drainage, but excludes sewage and industrial waters, other than unpolluted cooling water.

STORMWATER shall mean any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snowmelt.

TOTAL SUSPENDED SOLIDS or **TSS** shall mean solids that either float on the surface of, or are in suspension in water, wastewater, or other liquids, and which are removable by laboratory filtering using Standard Methods.

TOXIC AMOUNT shall mean that concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects, such as death, illness, cancer, genetic mutations, and physiological manifestations.

TOXIC POLLUTANTS shall mean, but not be limited to, any pollutant or combination of pollutants listed as toxic in regulations promulgated by the USEPA under the provisions of Section 307(a) of the Act.

UNPOLLUTED WATER shall mean water of a quality that would not cause a violation of receiving water quality standards, would not be benefitted by discharge to sanitary sewers and wastewater treatment facilities, and without additional treatment, could be directly discharged to waters of Indiana and the United States in compliance with local, state, and federal law.

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

UPSET shall mean an exceptional incident in any industrial user's facility, in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent it is caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation and consistent with the language contained in 40 CFR 403.16.

USER shall mean any person who contributes, causes, or permits the contribution of wastewater into the HSD's SS.

WASTEWATER shall mean water-carried human wastes or a combination of water-carried wastes from residences, businesses, buildings, institutions, manufacturing facilities, and industrial establishments, together with any ground, surface, storm, or other waters as may be present, which are contributed to the HSD SS.

WASTEWATER TREATMENT PLANT or **WWTP** shall mean the portion of the GSD's POTW that is designed to provide treatment of municipal and industrial wastewater.

WATERCOURSE shall mean an open channel in which a flow of water occurs, either continuously or intermittently.
(Prior Code, §53.001)(Ord. 2021-01, § I)

§ 53.004 ABBREVIATIONS.

The following abbreviations shall have the designated meanings:

- cBOD₅: Carbonaceous Biochemical Oxygen Demand
- CFR: Code of Federal Regulations
- CIU: Categorical Industrial User
- CWA: Clean Water Act
- EPA: United States Environmental Protection Agency
- GSD: Gary Sanitary District
- GSD SS: Gary Sanitary District Sewage System
- HSD: Hobart Sanitary and Stormwater District
- HSD SS: Hobart Sanitary and Stormwater District Sewage System
- IDEM: Indiana Department of Environmental Management
- ISBH: Indiana State Board of Health
- IU: Industrial User
- L or I: Liter
- Mg: Milligrams
- Mg/L: Milligrams per Liter
- NPDES: National Pollutant Discharge Elimination System
- O & M: Operations and Maintenance
- POTW: Publicly Owned Treatment Works
- RCRA: Resource Conservation and Recovery Act
- SIC: Standard Industrial Classification
- SIU: Significant Industrial User
- SNC: Significant Non-compliance
- SS: Sewage System
- SWDA: Solid Waste Disposal Act, 42 USC et seq.
- TRC: Technical Review Criteria
- TSS: Total Suspended Solids
- U.S. EPA: United States Environmental Protection Agency
- WWTP: Wastewater Treatment Plant
- 40 CFR 136: USEPA approved "Guidelines Establishing Test Procedures for the Analyses of Pollutants."
- 330 IAC 5-12-2: "Regulations for National Pretreatment Standards for Prohibited Discharges"

(Ord. 2021-01, § I)

§ 53.005 SEWER WORKS; DAMAGING PROHIBITED.

No unauthorized person shall maliciously, willfully, or negligently break, damage, uncover, deface, or tamper with any structure, appurtenance or equipment which is a part of the municipal sewage works. Any person violating this provision may be subject to immediate arrest on charges of disorderly conduct and financial penalties for violating this Chapter.

(Prior Code, § 17-14) (Ord. 1798, § 14) (Prior Code, §53.014) Penalty, see §53.906.

§ 53.006 RIGHT OF ENTRY

(A) Whenever required to carry out the objectives of this Chapter or of any issued Non-Domestic Waste Discharge Permit, the authorized representative of the City, HSD, GSD, IDEM, and/or USEPA, upon presentation of his/her credentials, shall have a right of entry to, upon, or through any premises to review or photocopy relevant records, inspection, observation, measurement, sampling, and testing of the discharges. This right of entry shall include, but not limited to, any equipment necessary to conduct said inspections, measuring, sampling, and testing. It shall be the duty of the User to provide all necessary clearance before entry and not to unnecessarily delay or hinder the authorized representative in carrying out the review or photocopying of relevant records, inspection, measuring, sampling, and testing. The right of entry shall exist at any time.

(B) While performing the necessary work on private properties referred to in paragraph (A) above, the Industrial Pretreatment Coordinator or duly authorized employees of the HSD shall observe all safety rules applicable to the premises established by the User and the User shall be held harmless for injury or death to the City employees and the city shall indemnify the User against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the User and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the User to maintain safe conditions as required herein.

(C) The Industrial Pretreatment Coordinator and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works laying within the easement. All entry and subsequent work, if any, within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to private property.

(D) 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 HSD and shall not be replaced. The costs of clearing such access shall be borne by the User.

(E) Unreasonable delays in allowing HSD access to the User's premises shall be a violation of this Chapter.

(Prior Code, § 17-15) (Ord. 1798, § 15) (Prior Code, §53.015) (Ord. 2021-01, § VII)

§ 53.007 SEVERABILITY.

If any provision of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

(Ord. 2021-01, § XV)

§ 53.008 MISCELLANEOUS PROVISIONS.

After the passage of this Chapter and from time to time thereafter as may be needed, the HSD's Board of Commissioners may, by resolution, promulgate rules and regulations necessary

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to implement and carry out the provisions of this Chapter not inconsistent therewith and create a schedule of charges to cover the costs to HSD of monitoring, inspection, and enforcement activities as demonstrated in a rate report prepared by a qualified financial consultant.
(Ord. 2021-01, § XV)

DISCHARGE LIMITATIONS

§ 53.100 UNLAWFUL DISPOSAL OF WASTES.

(A) It shall be unlawful to discharge to any natural outlet or watercourse within the HSD, any wastewater or other polluted water, except where suitable treatment has been provided in accordance with the laws of the United States; State of Indiana; and the Chapters of the City of Hobart.

(B) It is unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the city or in any area under the jurisdiction of the city, any human excrement, garbage or other objectionable waste.

(C) The HSD may establish any reasonable and appropriate rules, regulations, policies, requirements, and standards for connecting to the HSD sewer system to protect the sewer system; verify sufficient capacity in the sewer system to accommodate each connection's projected discharge; to promote the expansion of the sewer system to increase the protection of the health, safety, and welfare of the citizens of Hobart and improve property values; and to comply with all federal, state, and local laws, rules, and regulations.

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

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

(F) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and a permit.
(Prior Code, §53.002) (Ord. 2021-01, § II)

§ 53.101 GENERAL DISCHARGE PROHIBITIONS.

(A) No person shall discharge or cause to be discharged into the POTW any pollutant(s) cause pass-through or interference. These general prohibitions apply to all users of the sewage system and POTW whether they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

(B) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, or unpolluted water into any sanitary sewer.

(C) Stormwater and all other unpolluted water may be discharged through structures existing before the prohibition of this practice to such sewers as are specifically designated as storm sewers. No new stormwater or unpolluted water flow shall be introduced into the HSD SS except under an NPDES Permit or written approval by the City.
(Prior Code, §53.002) (Ord. 2021-01, § II)

§ 53.102 SPECIFIC DISCHARGE PROHIBITIONS.

No person shall discharge or cause to be discharged the following to any HSD sewer:

(A) Pollutants that create a fire or explosion hazard in the sewage system or POTW, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140° F) or 60 degrees Celsius (60° C) using the test methods specified in 40 CFR 261.21.

(B) Pollutants that cause corrosive structural damage to the sewage system and POTW but in no case any discharge with pH lower than 5.5 or higher than 9.0;

(C) Solid or viscous substances and/or pollutants in amounts that may cause obstruction to the flow in a sewer or other interference with the operation of the sewage system or POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, soil, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, wipes, spent grains, spent hops, waste paper, wood plastics, tar, medical wastes, asphalt residues from refining or processing of fuels or lubricating oil, mud, glass grinding or polishing wastes, or tumbling and deburring stones;

(D) Any pollutant, including oxygen-demanding pollutants (cBOD5, etc.) released in a discharge at a flow rate and/or pollutant concentration that will cause interference with the POTW and/or treatment process upset and subsequent loss of treatment efficiency.

(E) Heat in amounts that will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds forty degrees Fahrenheit (40° F) or sixty degrees Celsius (60° C) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

(F) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

(G) Pollutants that result in the presence of toxic gases, vapors, or fumes in the sewage system or POTW in a quantity that will cause acute worker health and safety problems;

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

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(I) Any substance that may cause the POTW effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewage system cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act;

(J) Any substance that will cause the POTW to violate its NPDES permit or the receiving stream's water quality standards;

(K) Any wastewater containing radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(L) Detergents, surface-active agents, or other substances that may cause excessive foaming in the sewage system or POTW;

(M) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oils, or antifreeze, except at concentrations which do not exceed levels of such substances which are routinely present in the normal wastewater discharge and do not otherwise violate any section of this Chapter or the conditions of an industrial discharge permit or a special agreement;

(N) Polychlorinated biphenyls (PCBs) in any detectable concentrations; or

(O) Unpolluted water except as provided in §53.101.
(Prior Code, §53.002, §53.004) (Ord. 2021-01, § II)

§ 53.103 HAULED WASTES.

No person shall discharge or cause to be discharged to the HSD sewage system any trucked or hauled industrial process waste, hazardous waste, or septic tank waste.
(Ord. 2021-01, § II)

§ 53.104 NOTICE OF EFFLUENT LIMIT CHANGES.

Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
(Ord. 2021-01, § II)

§ 53.105 BEST MANAGEMENT PRACTICES.

HSD and GSD may develop best management practices (BMPs) to implement categorical pretreatment standards, local limits, prevent interference, bypass, pass through, or State or local laws. Such BMPs shall be considered local limits and pretreatment standards for this Chapter and Section 307 (d) of the Act.
(Ord. 2021-01, § II)

§ 53.106 LOCAL LIMITS.

The HSD has developed local limits to protect against pass-through and interference at the GSD POTW. No person shall discharge or cause to be discharged a wastewater which has a pollutant concentration that exceeds the Maximum Daily Concentration shown in Table 1. The limits in Table 1 apply at the point of entry to the HSD SS.

**TABLE 1
SPECIFIC POLLUTANT LIMITATIONS**

Pollutant	Sample Type	Maximum Daily Concentration (mg/L)
Arsenic	24-hour Composite	0.037
Cadmium (total)	24-hour Composite	0.14
Chromium (total)	24-hour Composite	0.48
Chromium (hexavalent)	24-hour Composite	0.33
Copper (total)	24-hour Composite	0.47
Cyanide (total)	Grab	0.058
Iron	24-hour Composite	16.7
Lead	24-hour Composite	0.078
Mercury (total)	24-hour Composite	0.0009
Molybdenum	24-hour Composite	2.0
Nickel (total)	24-hour composite	2.5
Selenium	24-hour Composite	0.8
Silver (Total)	24-hour Composite	0.1
Zinc (total)	24-hour Composite	1.2
pH	Grab	5.5 > pH < 9.0
Phenols	Grab	0.7
Oil and Grease	Grab	60
Chlorides	24-hour Composite	Report
Fluorides	24-hour Composite	12.02
Sulfate	24-hour Composite	Report
Total Dissolved Solids	24-hour Composite	Report
Benzene	Grab	0.05
BTEX (sum-total)	Grab	0.75

(Ord. 2021-01, § II)

§ 53.107 ENFORCEMENT OF COMPLIANCE.

Industrial users are required to comply with applicable pretreatment standards and requirements. Enforcement of compliance is achieved through permits or other control mechanisms described in 40 CFR 403.8(f)(1)(iii). HSD and GSD have the right to deny new or increased contributions of pollutants or a change in the nature of pollutants if such contributions do not meet pretreatment standards and could cause the POTW to violate its NPDES Permit.

(Ord. 2021-01, § II)

§ 53.108 STATE AND FEDERAL REQUIREMENTS.

Federal Categorical Pretreatment Standards or State requirements shall apply at the end of the process, and local limits, if more stringent, shall apply at the end of the pipe.

§ 53.109 HSD'S RIGHT OF REVISION

The HSD reserves the right to establish by resolution or in wastewater discharge permits more stringent limitations or requirements on discharges to the HSD's POTW than those in this Chapter if deemed necessary to comply with the objectives presented in this Chapter. (Ord. 2021-01, § II)

§ 53.110 EXCESSIVE DISCHARGE / DILUTION PROHIBITION.

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The HSD and/or GSD may impose mass limitations on industrial users using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is deemed appropriate by HSD.

(Ord. 2021-01, § II)

CONNECTION TO SEWERS

§ 53.200 CONNECTIONS REQUIREMENTS.

(A) 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, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer for the same owner. If there is separate ownership of the buildings, there must be written, recorded commitments by each of the owners regarding responsibility to perform and pay for maintenance, repair, and replacement of that building sewer.

(B) No new connection shall be made unless there is capacity available to all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and suspended solids.

(C) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by HSD, to meet all requirements of this Chapter.

(D) The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointly testing, and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the City. In the absence of Code provisions or in amplification thereof, the materials and procedures outlined in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(E) Except where a valid NPDES permit exists for the collection and/or treatment of their wastewater by someone other than the HSD, the owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within HSD and abutting any street, alley, or right-of-way in which there is now located or may in the future be located an HSD sewer, is hereby required at their expense to connect such facilities directly with the HSD sewer per the provision of this Chapter, within ninety (90) days after the day of official notice to do so, provided that said HSD sewer is within three hundred (300) feet (91.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided unless a request for an exemption to the connection requirement is approved as provided for by Indiana law.

(F) Whenever possible, the gravity 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 the building drain shall be lifted by an approved means and discharged to the building sewer.

(G) No person shall connect roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(H) The connection of the building sewer to the public sewer shall conform to the requirements of the Building and Plumbing Codes or other applicable rules and regulations of the city, on the procedures outlined in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Industrial Pretreatment Coordinator before installation.

(I) All customers outside the boundaries of the HSD must enter into an appropriate and HSD approved sewer use agreement meeting, at a minimum, the requirements in Indiana Code Section 36-9-25-14, as amended, and the applicable provisions of this Chapter. (Prior Code, § 17-3) (Ord. 1798, § 3) (Prior Code, §53.002, §53.003)

§ 53.201 SEWER CONNECTION PERMIT APPLICATION.

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City Engineer.

(B) A sewer connection permit will not be granted to homes or buildings where the lowest elevation to have gravity sanitary service is less than one (1) foot above the top of manhole casting elevation of either the first upstream or downstream manhole on the public sewer to which the connection is to be made. If the first upstream or downstream manhole is at a higher elevation due to the natural topography of the area, an alternate manhole will be selected for the purpose of determining this measurement.

(C) There shall be two classes of building sewer permits: One for residential and commercial service and one for service to establishments producing Non-Domestic Wastewater.

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In either case, the owner or their authorized agent shall apply on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Industrial Pretreatment Coordinator. Permit and inspection fees as set out in the Fee Schedule of this Chapter shall be paid to the Clerk-Treasurer at the time application is filed and before the permit is issued.

(D) All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

(E) The applicant for the building sewer permit shall notify the Inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Inspector or his or her representative.

(F) All excavations for building sewer installation must be adequately guarded with barricades and lights to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

(Prior Code, § 17-3) (Ord. 1798, § 3) (Prior Code, §53.003)

§ 53.202 CONNECTION FEES.

(A) Tap-In Fee; Sewer Connection Fee Structure.

(1) The Board may evaluate and alter the fees, from time to time, based on a study of the sufficiency, fairness, equity, and proportionality of the fees for services.

(2) The sewer connection fee structure of the City of Hobart, Indiana shall be as follows:

(a) For all buildings and facilities constructed according to a building permit issued as of the date passage of this Chapter, the connection fee will be determined by referring to the connection fee in the Fee Schedule in the City of Hobart Municipal Code (hereinafter referred to as "City Code").

(b) "Estimated average daily flow" and the resulting tap-in fee is determined by the amount described to the establishment or facility as outlined in the connection Fee Schedule in the City Code. Should a facility not be listed, the HSD will use the flow ascribed to a facility comparable to and most like that facility being contemplated. Should there be no comparable facility most like an establishment listed in the Schedule, the average daily flow, and the resulting fee, will be determined by the City Engineer and approved by the Sanitary District Board of Commissioners.

(3) The engineering review and inspection costs are to be as set out in the Fee Schedule of City Code.

(4) Furthermore, it is ordered and decreed that all connection fees are to be collected at or before the time the connection permit is issued.

(5) The connection fees shall be reviewed annually during the month this Chapter is originally enacted.

(6) The transportation/treatment capacity replacement connection fee schedule is as set out in the Fee Schedule in the City Code.

(7) Properties located outside the City of Hobart boundaries and connecting to the HSD SS shall pay three (3) times the tabularized rate stated in the Transportation/Treatment Capacity Replacement Connection Fee Schedule as the tap-on fee. (Prior Code, § 17-3.1)

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(Ord. 90-50; Ord. 93-66, §§ 1, 2; Ord. 96-35, § 2) (Prior Code, §53.072)

(8) Prior to the adoption of the provisions codified in this subchapter, no person who has paid a district and local sewer assessment shall be charged a tap-on fee, and any person, having paid a district assessment only, shall pay a tap-on fee as set out in the Fee Schedule of the City Code per foot of average lot width, and any person, having paid a local assessment only, shall pay a tap-on fee as set out in the Fee Schedule of the City Code per foot of average lot width. (Prior Code, § 17-23) (Ord. 1805, § 4) (Prior Code, §53.033)

(B) Any person desiring or required to connect their property to any of the sewer lines of the City shall first obtain and fill out an application therefore in the office of the City Engineer and shall pay a “tap-on” fee according to provisions contained in this subchapter. (Prior Code, § 17-20) (Ord. 1805, § 1) (Prior Code, §53.030)

(C) The applicant shall agree to pay for sewer service at the rates provided by City Ordinance and will comply with all other provisions and requirements contained in the application form and this Chapter. (Prior Code, § 17-21) (Ord. 1805, § 2) (Prior Code, §53.031)

(D) A base sewer connection charge shall be determined as set out in the Fee Schedule of the City Code. (Prior Code, § 17-22) (Ord. 1805, § 3; Ord. 2009) (Prior Code, §53.032)

(E) Extreme hardship is to be determined by the Board, upon recommendation of at least two (2) of the following three (3) persons: the Building Official, the City Engineer or the City Council person in whose district is located the property in question, including the at-large Council person. The Board is to consider the following factors:

- (1) Whether the property is large enough to be subdivided at some date in the future. This determination must consider the location of the house and other outbuildings currently located on the property and the appropriate setbacks and yard lines required under current zoning; and
- (2) Whether the property is currently subdivided into lots and if the house, building or other structure to be serviced by the HSD SS is located on only one (1) of those lots.

(Prior Code, § 17-22) (Ord. 1805, § 3; Ord. 2009) (Prior Code, §53.032)

(F) The proceeds of the tap-on fees collected shall be used as payment toward the cost of improving sewage works in the future. (Prior Code, § 17-25) (Ord. 1805, § 6) (Prior Code, §53.035)

(G) The base connection charges outlined herein shall include a connection servicing one (1) or two (2) family residences in a single structure. Additional charges shall be as set out in the Fee Schedule in the City Code for a connection servicing three (3) to six (6) residential units in a single structure, and an additional charge as set out in the Fee Schedule in the City Code shall be paid for a connection servicing seven (7) or more residential units in a single structure. (Prior Code, § 17-24) (Ord. 1805, § 5) (Prior Code, §53.034)

(H) All tap-on fees provided for in this subchapter shall be paid either in cash at or before the time the tap-on permit is issued or, if approved by the City Mayor, over twelve (12) equal monthly payments of nine percent (9%) of the original fee each, the first is to be payable in the month next succeeding the month in which construction of the respective tap-on was made.

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- (I) Any property owner availing himself or herself of the monthly method of payment, as herein provided, shall sign a contract with HSD authorizing and providing for the monthly method of payment.
(Prior Code, § 17-26) (Ord. 1805, §§ 7, 8) (Prior Code, §53.036)

§ 53.203 LOW-PRESSURE SEWER SYSTEM.

At its sole discretion, the HSD Board may approve a low-pressure system that meets the Hobart, Indiana City Standards and is the only reasonably available option for providing sanitary sewer conveyance services. In no case shall HSD or the City be responsible for any of the costs of installation and maintenance of that part of a low-pressure system from the customer's house or facility to the force main to which it is connected.

PRIVATE SEWAGE DISPOSAL SYSTEM

§ 53.300 DEFINITIONS.

For the purposes of this subchapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

HEALTH OFFICER. The legally designated health authority of the county or his or her authorized representative.

INDIVIDUAL SEWAGE DISPOSAL SYSTEM. A sewage disposal system, other than a public or community system, which receives either human excreta or liquid waste, or both, from one or more premises. Included within the scope of this definition are septic tank soil absorption systems, and such other types as may be prescribed in regulations by the Health Officer.

PERMIT. A written permit issued by the Health Officer permitting the construction of an individual sewage disposal system under this chapter.

SEWAGE. Any combination of human excreta and wastewater from water closets, laundries, sinks, bathing facilities and other objectionable wastewater.
(Prior Code, § 17-30) (Ord. 614, § 1) (Prior Code § 53.050)

§ 53.301 STATE REGULATIONS; ADOPTION BY REFERENCE.

(A) Sewage disposal systems for private and business buildings shall be installed, constructed, and maintained in an approved manner as described by the State's Board of Health, copies of which are herewith incorporated by reference as a part of this section, and two (2) copies of which are filed in the office of the City's Clerk-Treasurer and the Lake County Health Officer.

(B) All on-site private sewage disposal systems require plans and specifications to be submitted to the City that are subject to review and approval by the City Engineer. In the interest of public health, safety, and welfare, the City Engineer has the authority to require a connection to a public sanitary sewer located within three (300) feet of the applicant's property line. An

appeal of the City Engineer’s determination will be processed as referenced in §53.017.
(Prior Code, § 17-31) (Ord. 614, § 1; Ord. 2004-05) (Prior Code, §53.051)

§ 53.302 COUNTY HEALTH OFFICER; AUTHORITY.

(A) The Lake County Health Officer, to protect the health and safety of the people of the City and of the public, is authorized and directed by state law, after a public hearing, to promulgate and amend, from time to time, regulations establishing minimum standards governing the design, construction, installation and operation of individual sewage disposal systems. The regulations establish the minimum standards as, in the judgment of the Health Officer, will ensure that the waste discharged to various individual sewage disposal systems:

- (1) Does not contaminate any drinking water supply;
- (2) Is not accessible to insects, rodents, or other carriers of disease which may encounter food or drinking water;
- (3) Does not pollute or contaminate the waters of any bathing beach, shellfish breeding grounds, or stream used for public or domestic water supply purposes or recreational purposes;
- (4) Is not a health hazard by being accessible to children;
- (5) Does not give rise to a nuisance because of odor or unsightly appearance; and/or
- (6) Will not violate any other laws or regulations governing water pollution or sewage disposal.

(B) The Health Officer is authorized to promulgate such additional regulations as are necessary, in his or her judgment, to carry out the provisions of this Chapter.
(Prior Code, § 17-32) (Ord. 614, § 2) (Prior Code, §53.052)

§ 53.303 CONSTRUCTION PERMITS.

Before commencement of construction of a private sewage disposal system, the owner or agent of the owner shall first apply for and obtain a written permit signed by the County’s Health Officer. (Prior Code, § 17-33) (Prior Code § 53.053)

§ 53.304 APPLICATION; FEE.

(A) The application for a construction permit for a private sewage disposal system shall be made on a form provided by the County’s Board of Health, which application shall be supplemented by plans, specifications, and other information as deemed necessary by the County’s Health Officer. A permit and inspection fee, as set out in the Fee Schedule in the City Code or the County’s Code, shall be paid to the County’s Board of Health at the time the application is filed.

(B) Applications for permits shall be in writing, signed by the applicant, and include the following:

- (1) The name and address of the applicant;
- (2) The lot and block number of the property on which such construction, alteration, or extension is proposed;
- (3) A complete plan of the proposed disposal facility, with substantiating data, if

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necessary, attesting to its compliance with the minimum standards of the Health Officer; and

(4) Further information may be required by the Health Officer to substantiate that the proposed construction, alteration, or extension complies with the regulations promulgated by the Health Officer.

(Prior Code, § 17-34) (Prior Code, §53.053)

§ 53.305 PLAN SUBMISSION.

(A) The complete plan required to be submitted to the County's Health Officer for the purpose of obtaining a permit for a private sewage disposal system shall include:

(1) The number, location, and size of all sewage disposal facilities to be constructed, altered, or extended;

(2) The location of water supplies, water supply piping, existing sewage disposal facilities, buildings or dwellings, nearest sanitary sewer, and adjacent lot lines; and

(3) Plans and specifications for the proposed sewage disposal facilities to be constructed, altered, or extended.

(Prior Code, § 17-35) (Prior Code, §53.053)

§ 53.306 INSPECTION.

(A) A permit for a private sewage disposal system shall not become effective until the installation is complete to the satisfaction of the Health Officer. He or she or his or her agent shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Health Officer 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 Health Officer. (Prior Code, § 17-36) (Prior Code, §53.053)

(B) The Health Officer shall refuse to grant a permit for the construction of an individual sewage disposal system where public or community sewerage systems are reasonably available. (Prior Code, § 17-37) (Prior Code, §53.053)

(C) Any person whose application for a permit under this Chapter has been denied, may request a hearing and shall be granted the hearing on the matter before the Health Officer within thirty (30) days after the receipt of the request. (Prior Code, § 17-38) (Ord. 614, § 3) (Prior Code, §53.053)

§ 53.307 SYSTEM DEFECTS; DUTY TO CORRECT.

Should any defect exist or occur in any private or business sewage collection and disposal system which would cause the sewage disposal system to fail to meet the requirements of this Chapter and cause an unsanitary condition, the defect shall be corrected immediately by the owner or their agent or the occupant. (Prior Code, § 17-39) (Ord. 614, § 2) (Prior Code, §53.054)

§ 53.308 COMPLIANCE WITH CHAPTER.

After receipt of an order in writing from the Lake County Health Department, the owner, agent of the owner, occupant, or agent of the occupant of the property shall comply with the provisions of this Chapter as set forth in such order and within the time limits included therein. The order shall be served on the owner, the occupant, or an agent of the owner; provided that, the order may be served on any person who, by contact with the owner, has assumed the duty of complying with the provisions of an order.

(Prior Code, § 17-40) (Ord. 614, § 2) (Prior Code, §53.055)

§ 53.309 ENFORCEMENT AUTHORITY.

The Health Officer or his or her agent, bearing proper credentials and identification, shall enforce this Section and the regulations promulgated under this Section.

(Prior Code, § 17-41) (Ord. 614, § 4) (Prior Code, §53.056)

§ 53.310 HEALTH OFFICER; RIGHT OF ENTRY.

The owner or occupant of any property shall give the Health Officer free access to the property at reasonable times for the purpose of making the inspections as are necessary to determine compliance with the requirements of the County Code, this Subchapter, and regulations promulgated under this Chapter.

(Prior Code, § 17-42) (Ord. 614, § 4) (Prior Code, §53.057)

WASTE RECEIVED FROM OTHER JURISDICTIONS

§ 53.400 AGREEMENTS.

(A) If another municipality, governmental entity, or user located within another municipality or unincorporated location (Source) contributes wastewater to the HSD sewage system, HSD shall enter into a written agreement with the contributing Source.

(B) Prior to agreeing, HSD shall request the following information from the contributing Source:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing Source;
- (2) An inventory of all users located within the contributing Source that are discharging to the POTW; and
- (3) Such other information as HSD may deem necessary.

(Ord. 2021-01, § V)

§ 53.401 AGREEMENT CONTENTS

The agreement shall contain the following conditions:

(A) A requirement for the contributing Source to adopt a sewer use ordinance that is at least as stringent as this Chapter and Hobart's Local Limits. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Hobart's ordinance

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or Local Limits;

(B) A requirement for the contributing Source to submit a revised user inventory on at least an annual basis adding new users and deleting discontinued users;

(C) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection, sampling and testing, and enforcement, will be conducted by the contributing Source; which of these activities will be conducted by HSD; and which of the activities will be conducted jointly by the contributing Source and HSD;

(D) A requirement for the contributing Source to provide HSD with access to all information that the contributing Source obtains from all of its metering, sampling, and testing activities, including those performed as part of its pretreatment program activities;

(E) Limits on the nature, quality, and volume of the contributing Source's wastewater at the point where it discharges to the POTW;

(F) Requirements for monitoring the contributing Source's discharge;

(G) A provision ensuring HSD access to the facilities of users located within the contributing Source's jurisdictional boundaries that discharge Non-Domestic Wastewater for inspection, sampling, metering, and any other pretreatment program duties deemed necessary by HSD;

(H) A provision specifying the peak daily flow allowed to be discharged by the contributing Source to the HSD sewage system which may be specified as a reservation of capacity in HSD's SS for which an appropriate proportionate capital charge is paid;

(I) A provision specifying remedies available for breach of the terms of the agreement; and

(J) A provision specifying the manner in which fees will be calculated and charged.
(Ord. 2021-01, § V)

SATELLITE USERS AND MULTI-UNIT DWELLINGS

§ 53.500 APPLICABILITY.

This section applies to all satellite users under contract to the HSD and certain multi-unit residential, commercial, or industrial properties served by the HSD's sanitary sewage system, whether or not located within the corporate boundaries of the City of Hobart. (Ord. 2015-04, § 1)

§ 53.501 DEFINITIONS.

The following words and phrases shall have the meanings specified for the rules and regulations in this section:

(A) ***COLLECTION SYSTEM SURCHARGE OR SURCHARGE*** means an additional monthly charge, for a period of not less than twelve (12) months, added to the monthly

rate determined under this Chapter, whenever a covered user's peak daily flow, for a five (5) consecutive day period, exceeds the base average daily flow for the user determined by HSD.

- (B) **COVERED USER** means a person or organization, including but not limited to a business, or institution, which owns or operates properties subject to this Chapter.
- (C) **EQUIVALENT DWELLING UNIT (EDU)** means the amount normally expected to be discharged to the HSD SS by an average dwelling unit monthly according to the most recent HSD Cost of Service Study.
- (D) **MULTI-UNIT PROPERTY (MUP)** means:
 - (1) any group of two or more buildings, whether residential, commercial, or industrial in use, that maintains a private sewer system consisting of more than a single six (6) inch diameter lateral sewer line without regard to whether the buildings served by the private system share common ownership; and
 - (2) at the Board's discretion, are required to install and maintain, at the owner's or owners' expense, flow monitoring equipment sufficient to accurately determine the flow leaving the private system and entering HSD's system. The Board's determination of whether or not to require such flow monitoring equipment shall be based on the City Engineer's finding that there is reasonable ground to expect that the private system is the source of stormwater flow into the HSD's SS.
- (E) **SATELLITE USER** means a user served by the HSD under contract and located outside the boundaries of HSD. A Satellite User may be a developer, an association of property owners, or a lessor of dwelling units or lots for dwelling units.

(Ord. 2015-04, § 3)

§ 53.502 DUTY TO PAY RATES AND SURCHARGES.

Covered users are obligated to pay, when due, all charges and surcharges for sanitary sewer service provided by the HSD as determined and billed pursuant to the City Code and Ordinance. Unless otherwise altered by or in conflict with this Chapter, the City Code and Ordinances of the City of Hobart governing the billing and collection of sewer service charges apply to all covered users. (Ord. 2015-04, § 4)

§ 53.503 RATE CALCULATION.

The rate charged to each covered user (not including any surcharges), shall be determined and billed as described in this section.

- (A) **Determination of District-Wide Flow Adjustment:** The HSD, based on the total annual HSD-wide billed flow contained in the HSD's most recent cost of service study, shall adjust that total by subtracting the covered user's annual flow determined by multiplying the monthly average water usage or other measure of flow per unit by twelve (12) months and then multiplying that figure by the number of dwelling units. The remainder shall then be increased by the total annual true average daily flow determined from flow monitoring during at least three (3) days and multiplied by three hundred sixty-five (365) days. The result is the revised annual flow. (Ord. 2015-04, § 5)
- (B) **Determination of HSD-Wide EDU Adjustment:** The HSD, based on the total annual HSD-wide number of Equivalent Dwelling Units (EDUs) determined in the HSD's most recent cost of service study, shall adjust that total by subtracting the total EDUs for the

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covered user (the number of the covered user's dwelling units multiplied by twelve (12) and then adding to the remainder the annual EDUs determined by taking the peak average daily flow determined by the HSD from water usage or flow monitoring multiplied by an assumed peaking factor of 3.5, and dividing said product into the assumed peak daily flow estimated by the HSD from flow monitoring data. The quotient is then multiplied by twelve (12) months to yield the revised number of annual EDUs for the covered user and that figure is added to the total of HSD-wide EDUs less the previously determined EDUs for the covered user. This new HSD-wide total is the revised HSD-wide total of EDUs. (Ord. 2015-04, § 5)

- (C) Allocation of Operating, Maintenance, and Capital Expenses: The annual cost of operation and maintenance of the HSD in its most recent cost of service study is allocated to each of four functions: flow, collection system, billing, and administration. In addition, the HSD will determine its current annual capital expenses by adding the annual contribution to proposed capital replacement projects to budgeted normal capital replacements for the year and adding the required annual capital payment to the GSD. (Ord. 2015-04, § 5)
- (D) Flow Component of Rate: The flow or usage component of the rate to be charged the covered user is determined by dividing the cost of annual operation and maintenance and total capital payments allocated to flow by the revised annual HSD-wide flow determined in paragraph (A) above. The resulting quotient is the component of the rate per month per one thousand (1,000) gallons of water usage. This rate multiplied by the number of gallons of water usage reflected on the covered user's water statement divided by one thousand (1,000) is the portion of the rate each month for flow. (Ord. 2015-04, § 5)
- (E) Collection System Component of Rate. The collection system component of the rate to be charged the covered user is determined by dividing the cost of annual operation and maintenance and total capital payments allocated to the collection system by the revised annual HSD-wide EDUs determined in paragraph (B) above. The resulting quotient is the component of the rate per month per EDU. (Ord. 2015-04, § 5)
- (F) Billing Component of Rate. The billing component of the rate to be charged the covered user is determined by dividing the cost of annual operation and maintenance allocated to billing by the number of annual bills issued by the HSD contained in its most recent cost of service study. The resulting quotient is the component of the rate per month for billing. (Ord. 2015-04, § 5)
- (G) Total Charge per Month. The total charge to a covered user per month is determined by adding the flow, collection system, and billing components of the charge per month determined following the above paragraphs of this section. (Ord. 2015-04, § 5)

§ 53.504 SURCHARGE CALCULATION FOR EXCESS FLOWS.

- (A) Whenever the average daily flow from a covered user exceeds the base average daily flow determined following this section for a period of not less than five (5) consecutive days (the "qualifying period"), the covered user shall, in addition to the total charge per month determined under §53.503, be billed for and pay a collection system surcharge for a period of twelve (12) months following the month in which the excess flow qualifying period ended unless the HSD Board determines there is good cause to shorten that period

due to the customer installing and implementing improvements, controls, and practices that will prevent a recurrence of the discharge of excess flow.

- (B) A covered user shall be subject to one surcharge per month, even if there was more than one excess flow event during qualifying periods in the preceding twelve (12) months. However, the largest surcharge shall apply in any month when there is more than one excess flow event during a qualifying period within the prior twelve (12) months.
- (C) The peak average daily flow determined pursuant to §53.503(B) above shall be deemed the base average daily flow for the covered user. If the average daily flow exceeds the base average daily flow during a qualifying period, then the highest average daily flow during such period, less the base average daily flow shall constitute the excess flow for that qualifying period. This amount, divided by the peak daily residential flow determined according to §53.503(B), shall yield the number of surcharge EDUs. This number shall be multiplied by the monthly charge per EDU established under §53.503(C), and the product shall constitute the monthly surcharge.
(Ord. 2015-04, § 6)

§ 53.505 APPEALS FROM RATES AND BILLINGS.

A covered user may appeal the HSD staff’s determination as to whether a private system is an MUP under §53.501 or a billing or rate calculation made by the HSD under this Chapter by addressing a written request to the Secretary, Board of Commissioners, Hobart Sanitary District, 414 Main Street, Hobart, Indiana 46342. The request should state the grounds for the appeal. The Board of Commissioners of the HSD will hear the appeal at the next regularly scheduled meeting. Written notice will be provided to the party requesting the appeal. The Board’s decision on such an appeal will be final. (Ord. 2015-04, § 7)

FATS, OILS AND GREASE PROGRAM

§ 53.600 REQUIRED TREATMENT FOR FOG.

- (A) Users are required to provide pretreatment for fats, oils, and grease (FOG) at all existing, new, renovated, and reconstructed food service establishments and other persons or users having the potential to discharge FOG, which includes restaurants, cafes, lunch counters, cafeterias, bars and clubs, hotels, hospitals, sanitarium, factory or school kitchens, or other establishments when, in the opinion of the HSD, the facility has the potential to discharge FOG in concentrations deemed potentially detrimental to the HSD’s SS or GSD’s POTW.
- (B) Users whose facilities are required to install a FOG control device shall be referred to herein as a “FOG Facility” or “FOG Facilities.”
- (C) A FOG control device is not required for individual dwelling units or for any individual private living quarter.

§ 53.601 FOG FACILITY APPROVAL.

All new and renovated food service establishments or other persons or users having the potential to discharge FOG, or existing establishments not already permitted, are required to obtain approval through HSD.

- (A) Existing establishments, if not already permitted, shall complete the FOG Control Device Permit Application and submit to HSD.
- (B) New establishments must complete the FOG Control Device Permit Application and submit it to the HSD at least forty-five (45) days before installing a FOG control device.
- (C) Renovated and/or reconstructed establishments must submit the FOG Control Device Permit Application sixty (60) days before opening or the installation/renovation of a FOG control device.

§ 53.602 FOG SPECIFICATIONS.

- (A) A FOG Control Device shall be installed in the waste line leading from sinks, drains, and other fixtures or equipment.
- (B) The characteristics, size, and method of installation of the grease interceptor shall meet the requirements imposed by the Administrative Building Council of the State of Indiana and the HSD and shall be reviewed and approved by the HSD before starting installation.
- (C) Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose.

(Prior Code, § 17-11) (Ord. 1798, § 11) (Prior Code, §53.011) (Ord. 2021-01, § II)

§ 53.603 FOG FACILITY REQUIREMENTS.

All FOG facilities shall:

- (A) Properly install a FOG Control Device that is acceptable to HSD and per this Chapter.
- (B) Maintain FOG Control Device as directed by HSD at the user's expense.
- (C) Operate the device in compliance with the HSD's prohibited discharge requirements.
- (D) Be approved to operate and maintain an existing FOG Control Device provided these are in proper operating condition.
- (E) Assume all responsibility in the sizing and plumbing configuration of the FOG Control Device and be responsible for what is or is not plumbed into its FOG Control Device.
- (F) The devices shall be constructed of impervious materials capable of withstanding

abrupt and extreme changes in temperatures and shall be of substantial construction and be gastight, watertight, and equipped with easily removable covers.

- (G) Locate the FOG Control Devices in easily accessible areas for inspection by the HSD and for proper maintenance by the user.
- (Ord. 2021-01, § II)

§ 53.604 PROPERLY OPERATING FOG EQUIPMENT.

If the FOG Facility does not have plumbing connections to a FOG Control Device that functions, the facility shall modify its current plumbing to prevent the introduction of FOG into the HSD SS. A FOG Control Device shall have a capacity as determined by the HSD FOG Management Program Manual and approved by HSD.

§ 53.605 OPERATIONS AND MAINTENANCE.

- (A) The user of a grease interceptor, grease trap, and/or oil/water separator shall operate, service, and clean the FOG Control Device per the manufacturer’s instructions to prevent the introduction of prohibited discharges to the HSD SS and the POTW.
 - (B) The user shall not allow waste/water to be returned to the device once pumped. Additionally, the User is responsible for properly training and requiring its staff to dispose of grease and waste, so that it is not reintroduced back into the sewage works.
 - (C) The User shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by HSD. Any removal and hauling of the collected materials shall be performed by licensed waste disposal firms.
- (Ord. 2021-01, § II)

§ 53.606 RECORD KEEPING.

All users shall provide, on demand, to the HSD, sufficient information for HSD to determine if the user is a compliant FOG Facility. Users shall retain maintenance records for three (3) years on a continuously rolling calendar. All such records shall be available for inspection by the HSD. The User shall report to the HSD, in writing, any discharge which bypasses the FOG control device within twenty-four (24) hours of the event.

§ 53.607 CHANGES IN OCCUPATION OR OWNERSHIP.

Any change in ownership of a FOG Facility will be recognized as a new FOG Facility and shall comply with the HSD’s prohibited discharges per this Chapter. In the event the occupant changes, building usage changes, and/or new construction occurs upon any FOG Facility and/or where a change in occupancy, change in building usage, and/or new construction would cause a

non-FOG Facility to become a FOG Facility, the User shall notify HSD, in writing, of the changes within thirty (30) days before the date the change takes place.

§ 53.608 FOG INSPECTIONS.

- (A) At the HSD's discretion, the FOG Control Device may be inspected by the HSD to ensure compliance with this Chapter. Any HSD official or agent of the HSD bearing proper identification shall be granted access to all parts of the premises of a FOG Facility for inspection, observation, record examination, measurement, sampling, and testing.
- (B) It is the responsibility and obligation of the user of the FOG Facility to open the FOG Control Device to allow HSD access for inspections.
- (C) The refusal of any FOG Facility to allow HSD entry to the FOG facility's premises for purposes of inspection, sampling effluents, inspecting, copying records, and/or performing other such duties under this Chapter, shall constitute a violation of this Chapter. The HSD may inspect FOG Facilities during both scheduled and unscheduled visits.
- (D) The user of the FOG Facility shall be responsible for payment on inspection and enforcement fees specified in the Fee Schedule in the City Code.

§ 53.609 FOG ENFORCEMENT.

Enforcement actions for this section shall conform to the enforcement actions described in §53.900 – 53.999.
(Prior Code, § 17-11) (Ord. 1798, § 11) (Prior Code, §53.011) (Ord. 2021-01, § II and III)

INDUSTRIAL PRETREATMENT PROGRAM

§ 53.700 APPLICABLE USERS.

This section applies to industrial users that discharge pollutants from non-domestic wastewater sources to the HSD SS and GSD POTW. Industrial users include:

- (A) A categorical industrial user;
- (B) A significant industrial user, unless specifically exempted by HSD or GSD;
- (C) A user deemed by HSD or GSD that has the reasonable potential to discharge specifically prohibited discharges described in §53.102; or
- (D) A user that has the reasonable potential to discharge a pollutant above the local limits in Table 1.

§ 53.701 PRETREATMENT REQUIREMENTS.

- (A) Users shall provide wastewater treatment as necessary to comply with this Chapter and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in §53.100 – §53.199 of this Chapter within the time limitations specified by USEPA, IDEM, GSD, or HSD, whichever is more stringent.
- (B) Any equipment necessary for compliance shall be provided, operated, and maintained at the user's expense.
- (C) Whenever deemed necessary, HSD 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the sewage system and POTW and determine the user's compliance with the requirements of this Chapter.
- (D) HSD 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.
- (E) The user shall provide grease, oil, and sand interceptors when, in the opinion of HSD, they are necessary to properly handle wastewater containing excessive amounts of grease, oil, or sand. All interception units shall be of type and capacity approved by HSD and shall be located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. (Ord. 2021-01, § II)
- (F) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter. (Ord. 2021-01, § III)
- (G) Industrial cooling water, which may be polluted with insoluble oils, grease, or suspended solids, shall be pretreated to remove pollutants and the resultant clear water shall be discharged following §53.101. (Prior Code, § 17-8) (Ord. 1798, § 8) (Prior Code, §53.008)
- (H) When requested by HSD, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. HSD is authorized to prepare a form or survey for this purpose and may periodically require such users to update this information. (Ord. 2021-01, § IV)
- (I) HSD may require, as is necessary to carry out the requirements of this Chapter, any industrial user to construct at their expense, monitoring facilities (e.g., designated manhole) to allow inspection, sampling, and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed, and operated at the industrial user's expense. The monitoring facility should normally be situated on the Industrial User's premises, but the Industrial Pretreatment Coordinator may, when such a location would be impractical or cause undue hardship, allow the facility to be constructed in the public right-of-way; provided, however, the

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City's Board of Works shall be the authority, through the City's Engineering Department, to determine the location on the public right-of-way on or below which the monitoring device and facility shall be placed. Equipment shall be maintained in a safe and proper operating condition. (Ord. 2021-01, § VII)

§ 53.702 PERMIT REQUIREMENTS.

- (A) All significant industrial users connected to or discharging into an HSD sewer, who do not currently have a Non-Domestic Waste Discharge Permit, must complete an application for a Non-Domestic Waste Discharge Permit within thirty (30) days after the effective date of this Chapter.
- (B) All new users subject to this section proposing to connect to or discharge into the HSD SS must complete an application for a Non-Domestic Waste Discharge Permit at least ninety (90) days before connecting to or discharging into the HSD sewage system.
- (C) No person shall knowingly make any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Chapter or Non-Domestic Waste Discharge Permit. Nor shall any person falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this Chapter.
- (D) Any violation of the terms and conditions of a Non-Domestic Waste Discharge Permit shall be deemed a violation of this Chapter and subject the permittee to the sanctions outlined in §53.900 – 53.999 of this Chapter. Obtaining a Non-Domestic Waste 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. 2021-01, § IV)

§ 53.703 PERMIT APPLICATION.

- (A) The HSD shall have the authority to develop a permit application form that specifies the information needed for the HSD to understand the volume and characteristics of the wastewater discharged, applicable pretreatment standards and requirements, and the operations and maintenance activities of the proposed pretreatment equipment.
- (B) The user shall complete the permit application form in its entirety including building plans, schematic process diagram, plumbing plans, sewer connections, and site maps. The user shall provide additional information as requested by the HSD. 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 HSD under the provisions of this Chapter.
- (C) Where known, the user shall provide the nature and concentration of any pollutants in the discharge which are limited by any municipal, political subdivision, State, or National Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met consistently, and if not, whether additional

operation and maintenance expense and/or additional pretreatment are required for the user to meet applicable pretreatment standards;

- (D) The permit application form shall be signed by an individual meeting the definition in §53.103.

(Ord. 2021-01, § IV)

§ 53.704 CONFIDENTIAL INFORMATION.

- (A) The HSD shall protect any information (other than effluent data) contained in the permit application forms, or other records, reports, or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets of such person. Said information must be designated as confidential at the time it is provided to the HSD.

- (B) Information accepted by the HSD with a claim for confidentiality shall be safeguarded by the HSD and shall not be transmitted to any government agency or to the public until and unless a fifteen-day notification is given to the user. During the fifteen (15) day period, the user shall submit a justification of confidentiality to the HSD. A determination of confidentiality shall be made by the HSD pursuant to regulation used by IDEM.

- (C) This section shall not apply to USEPA and IDEM which shall have immediate and unlimited access to all information collected by the HSD under their pretreatment programs.

(Ord. 2021-01, § VIII)

§ 53.705 PERMIT DECISION.

HSD will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete application, HSD will determine whether or not to issue a Non-Domestic Waste Discharge Permit. HSD may deny any application for a discharge permit. (Ord. 2021-01, § IV)

§ 53.706 TERMS AND CONDITIONS OF PERMITS.

- (A) A Non-Domestic Waste Discharge Permit shall be for a term of five (5) years. Any person wishing to continue to discharge to the HSD’s sewage system beyond the term of the permit shall apply to the HSD for renewal of the Permit at least one hundred eighty (180) days before the expiration of said Permit. (Ord. 2021-01, § V)

- (B) The HSD may prescribe conditions to may include the following:

- (1) Applicable federal and/or state laws, regulations, or orders;
- (2) Limits on the wastewater characteristics in addition to those contained in this Chapter. including, but not limited to, polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the POTW. The

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HSD shall apply applicable federal categorical pretreatment standards or, in the absence of such standards, limits may be based on the best practical technology;

- (3) Limits on the average and maximum wastewater constituents and characteristics;
- (4) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (5) Requirements for installation and maintenance of inspection, metering, and sampling facilities;
- (6) Self-monitoring sampling, reporting, notification, and recordkeeping requirements, including an identification of the pollutants to be monitored, sampling locations, sampling frequency, and sample type, based on the applicable pretreatment standard;
- (7) Compliance schedules;
- (8) Requirements for submission of technical reports or discharge reports;
- (9) Requirements for maintaining and retaining plant records relating to wastewater discharges as specified by the HSD, and affording HSD, GSD, IDEM and/or USEPA access thereto;
- (10) Requirements for notification of the HSD of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewage system;
- (11) Requirements for notification of slug discharges and requirements to control slug discharges, if determined by HSD to be necessary;
- (12) A statement of HSD's available remedies against a person for violating the Permit, 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; and
- (13) Other conditions deemed appropriate by the HSD to ensure compliance with this Chapter.

(Ord. 2021-01, § V)

§ 53.707 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

As needed, HSD shall evaluate an industrial user and determine the need for an Accidental Discharge/Slug Control Plan. HSD may require any such user to develop, submit for approval, and implement such a plan. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;

- (C) Procedures for immediately notifying HSD of any accidental or slug discharge, as required by §53.716 of this Chapter; and
 - (D) Procedures to prevent any 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. 2021-01, § V)

§ 53.708 PERMIT MODIFICATIONS.

HSD, at its discretion, may modify a Non-Domestic Waste Discharge Permit for good cause, including, but not limited to, the following reasons:

- (A) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
 - (B) To address significant alterations or additions to the user’s operation, processes, or wastewater volume or character since the time of Permit issuance;
 - (C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (D) Information indicating that the permitted discharge poses a threat to HSD’s sewage system, the GSD POTW, HSD personnel, or the receiving waters;
 - (E) Violation of any terms or conditions of the Permit;
 - (F) Misrepresentations or failure to fully disclose all relevant facts in the Permit application or in any required reporting;
 - (G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (H) To correct typographical or other errors in the Permit; or
 - (I) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (Ord. 2021-01, § V)

§ 53.709 NON-ASSIGNABILITY OR TRANSFERABILITY OF PERMIT.

Permits are issued to a specific user for a specific facility and do not constitute a property interest, nor shall the permit be assigned, conveyed, or sold to a new owner, new user, different

premises, or a new or changed operation, without notice to and written approval by HSD. (Ord. 2021-01, § V)

§ 53.710 REVOCATION OF PERMIT.

(A) The HSD may revoke a user's permit for good cause, including, but not limited to, any of the following:

- (1) Violation of any condition of the permit, this Chapter, or other state or federal law;
- (2) Failure to meet the terms and conditions of the permit;
- (3) Misrepresentation or failure to disclose all relevant facts in the permit application;
- (4) Failure to factually report wastewater characteristics; or
- (5) Refusal of reasonable access to the permittee's premises for reviewing records, inspection, or monitoring.

(B) Except in cases of willfulness or those in which the public health or safety requires otherwise, the revocation, withdrawal or suspension of a permit is lawful only if, before the institution of proceedings thereof, the permittee has been given notice by the HSD, in writing, of the facts or conduct which may warrant the action; and provided an opportunity to demonstrate or achieve compliance with all lawful requirements.

(Ord. 2021-01, § V)

§ 53.711 PERMIT APPEALS.

HSD shall provide the user with the draft Non-Domestic Waste Discharge Permit for review and comment. After a final permit is issued, the user may petition the HSD Board to reconsider the terms of such a permit within fifteen (15) days of receipt of notice of its issuance.

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

(B) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the permit.

(C) The effectiveness of the permit shall not be stayed pending the appeal.

(D) If the HSD Board fails to act on an appeal within twenty (20) days, the appeal shall be deemed to be denied. Decisions not to reconsider issuing a Non-Domestic Waste Discharge Permit or not to modify such a permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of a final administrative Non-Domestic Waste Discharge Permit decision must file a complaint with a court of competent jurisdiction in Lake County, Indiana within thirty (30) days of the final decision.

(Ord. 2021-01, § V)

§ 53.712 EMERGENCY SUSPENSION OF SERVICE AND/OR A PERMIT.

- (A) Notwithstanding any other provision of this Chapter, the HSD may, after informal notification to the user, but without formal notice or hearing, suspend a user's wastewater treatment service and/or the user's Non-Domestic Waste Discharge Permit when such suspension is necessary, in the opinion of the Industrial Pretreatment Coordinator, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference to the HSD SS or GSD POTW, or causes GSD to violate any condition of any NPDES permit or other permit issued by IDEM and/or USEPA.
 - (B) Any Industrial User notified of a suspension of the wastewater treatment service and/or the permit shall immediately stop or eliminate the contribution. In the event of a failure of the person or user to comply voluntarily with the suspension order, the HSD shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the SS and POTW or endangerment to any individuals and/or the environment.
 - (C) The HSD shall reinstate the permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall pay all costs associated with disconnecting from and reconnecting to the HSD SS. A detailed written statement submitted by the user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the HSD within five (5) days of the date of occurrence.
- (Ord. 2021-01, § V)

§ 53.713 PERMIT MONITORING.

- (A) An industrial user's monitoring requirements are identified in the user's Non-Domestic Waste Discharge Permit. Requirements include the parameter, frequency, and sample type. The user shall follow the Permit requirements for daily, weekly, monthly, quarterly, and/or annual monitoring frequencies.
- (B) If the permittee monitors any pollutant more frequently than required by the user's Permit, using approved analytical methods, the results of such monitoring shall be included in the reports required by HSD.
- (C) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and always maintained in good working order. 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.
- (D) If sampling performed by an industrial user indicates a violation of its Permit, the user shall notify HSD 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 HSD within thirty (30) days after becoming aware of the violation.
- (E) All analyses shall be performed following 40 CFR Part 136. Where 40 CFR Part 136 does not include sampling or analytical technique for the pollutant in question,

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sampling, and analyses shall be performed per the procedures outlined in the latest edition of USEPA approved "Standard Methods for the Examination of Water and Wastewater" or with any other sampling and analytical procedures approved by the Administrator of the USEPA.

- (F) Except for parameters requiring grab samples, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, HSD may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab sample collection techniques.

(Ord. 2021-01, § VI)

§ 53.714 PERIODIC COMPLIANCE REPORTS.

- (A) All industrial users shall, at a frequency identified in the user's Non-Domestic Waste Discharge Permit, 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 in the permit and the measured or estimated average and maximum daily flows for the reporting period.
- (B) All users who are not required to obtain a Non-Domestic Waste Discharge Permit shall provide appropriate reports to HSD as HSD may require.
- (C) Written reports will be deemed to have been submitted on the date postmarked. For reports that 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. 2021-01, § VI)

§ 53.715 BASELINE MONITORING REPORT.

- (A) If an existing industrial user becomes subject to a categorical pretreatment standard, the user shall follow the Baseline Monitoring Report requirements in 40 CFR 403.12 (b) and will be required to submit to HSD a report within one hundred eighty (180) days containing the information in 40 CFR 403.12 (b) (2) – (7). Where reports containing this information have already been submitted to HSD in compliance with 40 CFR 128.140(b) (1977), the Industrial User will not be required to submit this information again.
- (B) New Sources, and sources that become Industrial Users after the promulgation of an applicable categorical Standard, shall be required to submit to HSD a report at least ninety (90) days prior which contains the information listed in 40 CFR 403.12 (b) (2). New Sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in 40 CFR 403.12 (b) (4) – (5).

- (C) Industrial users subject to Baseline Monitoring Reports, shall provide a compliance schedule and progress reports per 40 CFR 403.12 (b) (7) and 40 CFR 403.12 (c) and (d).

(Ord. 2021-01, § VI)

§ 53.716 NOTIFICATION OF POTENTIAL PROBLEMS, ACCIDENTAL DISCHARGES, AND NONCOMPLIANCE.

- (A) In case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify the HSD. During regular business hours, HSD shall be contacted at 219-942-3619. Calls shall be directed to the Police Department after regular business hours or on the weekends at 219-942-1125. The notification shall include:
 - (1) Name of the company;
 - (2) Location of discharge;
 - (3) Type of waste discharged;
 - (4) Concentration and volume of waste discharged;
 - (5) Corrective actions taken to minimize the impact of the discharge to the POTW;
 - (6) Date and time of occurrence.
- (B) The non-domestic waste discharger shall notify the HSD within two (2) hours of the discharger obtaining knowledge that it is unable to comply with any requirement of this Chapter and/or any pretreatment standard because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in paragraph 1 above.
- (C) Within five (5) calendar days following an accidental discharge or incident of noncompliance, the non-domestic waste discharger shall submit to the HSD a detailed written report describing:
 - (1) The cause of the accidental discharge or noncompliance;
 - (2) The period of the accidental discharge or noncompliance, including exact dates and times or if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (3) Steps being taken and/or planned to reduce, eliminate, or prevent the recurrence of the accidental discharge or noncompliance.
- (D) Such notification shall not relieve the discharger of any expense, loss, damage, or other liability which may be incurred as the result of damage to the HSD SS and GSD's POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any civil penalties, surcharges, or other liability which may be imposed by this Chapter or other applicable law.
- (E) In any enforcement proceeding the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. A discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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- (1) An upset occurred and the discharger can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and compliant with applicable operation and maintenance procedures; and
- (3) The discharger has submitted to the HSD the information required in paragraphs b. and c. above.

(Ord. 2021-01, § VI)

§ 53.717 NOTIFICATION OF CHANGED CONDITIONS.

All industrial users shall notify HSD of any planned substantial changes to the user's operations or system that might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

- (A) HSD may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Non-Domestic Waste Discharge Permit Application under this Chapter.
- (B) HSD may issue a Permit under §53.705 of this Chapter or modify an existing Permit under §53.708 of this Chapter in response to changed conditions or anticipated changed conditions.
- (C) For purposes of this requirement, substantial changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

(Ord. 2021-01, § VI)

§ 53.718 NOTIFICATION OF THE DISCHARGE OF HAZARDOUS WASTE.

- (A) Any user who commences the discharge of hazardous waste into the sewage system shall notify the HSD, GSD POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. The industrial user shall follow all notifications and requirements specified in 40 CFR 403.12 (p). If changes occur to the hazardous waste discharge, the user shall notify the HSD per §53.716.
- (B) This provision does not create a right to discharge any substance not otherwise permitted for discharge by this Chapter, a permit issued thereunder, or any applicable Federal or State law.

(Ord. 2021-01, § VI)

§ 53.719 RECORD KEEPING REQUIREMENTS.

- (A) Any waste discharger subject to the reporting requirements established in this Chapter shall maintain records of all information resulting from any monitoring activities required by this Chapter or a permit, including documentation associated with Best

Management Practices. Such records shall include for all samples:

- (1) The date, exact place, method, and time of sampling;
- (2) The name(s) of the person or persons taking the samples;
- (3) The dates analyses were performed;
- (4) The names of the persons who performed the analyses;
- (5) The analytical techniques/methods used;
- (6) The results of such analyses;
- (7) A laboratory certification statement;
- (8) The signature of an authorized representative; and
- (9) Properly completed Chain-of-Custody.

- (B) Any user subject to the reporting requirements established in this Chapter shall be required to retain for a minimum of five (5) years any records of monitoring activities and results and shall make such records available to the USEPA, IDEM, HSD, and/or the GSD. This period shall automatically be extended for the duration of litigation concerning pretreatment issues involving the discharger, HSD, and/or GSD; or as requested by USEPA, IDEM, HSD, and/or GSD.

(Ord. 2021-01, § VI)

§ 53.720 SIGNATORY REQUIREMENTS.

- (A) All applications, baseline monitoring reports, ninety (90) day compliance, and periodic compliance reports must be signed and certified by an individual meeting the definition in §53.003 (40 CFR 403.12(l)).

- (B) The certification shall read:

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

(Ord. 2021-01, § VI)

§ 53.721 PRETREATMENT FEES.

- (A) HSD shall adopt reasonable fees for reimbursement of costs of operating and implementing the Industrial Pretreatment 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;

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- (4) Fees for filing appeals; and
 - (5) Other fees as HSD may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Chapter and are separate from all other fees, charges, and penalties chargeable by HSD.
- (B) The pretreatment program fees are in effect as of the date of this Chapter. These fees shall be included in the Schedule of Fees in the City Code and may be adjusted, from time to time, by HSD, based on the recommendations of a qualified financial consultant, to raise sufficient funds to adequately compensate HSD as stated above.
- (1) All fees shall be paid to HSD and shall be due within twenty (20) days from the date of the invoice.
 - (2) Failure to remit a fee within ten (10) days of the due date shall result in the assessment of a delinquency charge equal to ten percent (10%) of the fee.
 - (3) Failure to remit a fee and any applicable delinquency charge within thirty (30) days of the date on which the fee is due may result in the revocation of a discharge permit. A Permittee whose Non-Domestic Waste Discharge Permit is revoked for non-payment of fees must apply for a new Non-Domestic Waste Discharge Permit to obtain another permit.

(Ord. 2021-01, § V § XV)

§ 53.722 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE.

As required by the Industrial Pretreatment Program, HSD shall publish annually, in the largest daily newspaper published in the City, a list of the industrial users who were in significant noncompliance during the twelve (12) previous months and include a summary of enforcement actions.

(Ord. 2021-01, § IX)

SEWER CHARGES

§ 53.800 DEFINITIONS.

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

- (A) **BOARD**. The City of Hobart Board of Sanitary District Commissioners or any duly authorized officials acting on its behalf.
- (B) **CITY**. The City of Hobart, Indiana, acting by and through the Hobart Sanitary District Board of Commissioners.
- (C) **DEBT SERVICE COSTS**. The average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- (D) **EXCESSIVE STRENGTH SURCHARGE**. An additional charge which is billed to users for treating sewage wastes with an average strength in excess of “normal domestic sewage”.
- (E) **INDUSTRIAL WASTES**. The wastewater discharges from industrial, trade or business processes as distinct from employee wastes or wastes from sanitary conveniences.

- (F) **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES).** The same meaning as defined in §53.003.
 - (G) **NORMAL DOMESTIC SEWAGE.**
 - (1) To determine surcharges, wastewater or sewage having an average daily concentration as follows: cBOD5 not more than 170 mg/l; and TSS not more than 200 mg/l; Ammonia-Nitrogen not more than 25.0 mg/l; and Total Phosphorus not more than 7.0 mg/l.
 - (2) As defined by origin, wastewater from segregated domestic and/or sanitary conveniences as distinct from wastes from non-domestic discharges.
 - (H) **OPERATION AND MAINTENANCE COSTS.** All costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment continuously and to produce discharges to receiving waters that conform to NPDES Permit requirements and all related federal, state, and local requirements. (These costs include replacement.)
 - (I) **OTHER SERVICE CHARGES.** Tap charges, connection charges, area charges, and other identifiable charges other than user charges, debt service charges, and excessive strength surcharges.
 - (J) **PERSON.** Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
 - (K) **REPLACEMENT COSTS.** The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works equipment to maintain the capacity and performance for which the works were designed and constructed.
 - (L) **SEWER USE ORDINANCE.** A separate and companion enactment to the Ordinance codified in this subchapter, which regulates the connection to and use of public and private sewers. The sewer use Ordinance is codified in §§53.001 et seq.
 - (M) **USER CHARGE.** A charge levied on users of the wastewater treatment works for the cost of operation and maintenance of the works pursuant to § 204(b) of Pub. L. No. 92-500.
 - (N) **USER CLASS.** The division of wastewater treatment customers by source, function, waste characteristics and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental).
 - (1) **COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business, or service which is based on a determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - (2) **GOVERNMENTAL USER.** Any federal, state, or local governmental user of the wastewater treatment works.
 - (3) **INDUSTRIAL USER.** Any manufacturing or processing facility that discharges industrial waste to a publicly owned treatment works.
 - (4) **INSTITUTIONAL USER.** Any establishment involved in a social, charitable, religious and/or educational function which, based on a determination by the city discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - (5) **RESIDENTIAL USER.** A user of the treatment works whose premises or building is used primarily as a residence for 1 or more persons, including all dwelling units and the like.
- (Prior Code, § 17-50) (Ord. 1797, § 1) (Prior Code, §53.070)

§ 53.801 CLASS OF SERVICE.

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- (A) Every person whose premises are served by the sewage works shall be charged for the service provided. These charges are established for each user class, as defined, so that the sewage works shall recover, from each user and user class, revenue that is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.
 - (B) User charges are subject to the rules and regulations adopted by the USEPA. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.
 - (C) The various classes of users of the treatment works for this subchapter shall be as follows:
 - (1) Class I - Residential;
 - (2) Commercial;
 - (3) Governmental;
 - (4) Institutional; and
 - (5) Industrial.
- (Prior Code, § 17-51) (Ord. 1797, § 2) (Prior Code, §53.071)

§ 53.802 RATES.

- (A) For the use of the service rendered by sewage works, rates and charges shall be collected from the owners of each lot, parcel of real estate, or building that is connected with the City's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water, or other liquids, either directly or indirectly, into the sanitary sewage system of the City.
- (B) The rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:
 - (1) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to the rates and charges, as the same is measured by the water meter there in use, plus a base charge, except as herein otherwise provided. The Fee Schedule in the City Code is to be used for billing and collecting the charges for sewage service.
 - (2) The water meters shall be read bi-monthly and the users shall be billed monthly based on monthly estimated usage for the first month adjusted to actual in the second month. The water usage schedule on which the amount of the rates and charges shall be determined shall be as set out in the Fee Schedule in the City Code.
- (C) For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as herein provided. Sewage service bills shall be rendered monthly. The schedule on which the rates and charges shall be determined is set out in the Fee Schedule in the City Code.
- (D) For the service rendered to the City, the City shall be subject to the same rates and

charges provided in the Fee Schedule, or to charges and rates established in harmony therewith.

- (E) Properties which are located outside the City of Hobart boundaries and served by the sewage works of the city shall pay an additional fifteen percent (15%) of the tabularized rate as the user fee. Contracts with outside governmental wholesale customers should require payment to HSD of fees consistent with the rates and charges provisions of the City Code and in compliance with applicable federal and state laws, rules, and regulations.
- (F) To recover the cost of monitoring industrial wastes, the city shall charge the user no less than the amount as set out in the Fee Schedule in the City Code per sample or cost thereof. This charge will be reviewed on the same basis as all other rates and charges in this subchapter.

(Prior Code, § 17-52) (Ord. 1797, § 3; Ord. 92-18, (part); Ord.96-35; Ord. 2000-17, § 1) (Prior Code, §53.072)

§ 53.803 SANITARY SEWERS; METERING RESPONSIBILITIES.

- (A) The quantity of water discharged into the sanitary sewerage system and obtained from sources other than the utility that serves the City shall be determined by the HSD in such manner as the HSD shall reasonably elect, and the sewage service shall be billed at the above appropriate rates; except as hereinafter provided in this Section, the HSD may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the HSD that the quantities do not enter the sanitary sewerage system.
- (B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city’s sanitary sewerage system, either directly or indirectly, is not a user of water supplied by the Indiana American Water Corporation, its successors or assigns, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the HSD, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method or measurement acceptable to the HSD in order to ascertain the rates or charges provided in this subchapter.
- (C) In the event a lot, parcel or real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the city’s sanitary sewerage system, either directly or indirectly, is a user of water supplied by the Indiana American Water Corporation, its successors or assigns, and in addition, is a user of water from another source which is not measured by a water meter or is measured by a meter not acceptable to the HSD, then the owner or other interested parties shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the HSD in order to ascertain the rates or charges provided in this subchapter.
- (D) In the event two or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the city’s sanitary sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a

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single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply proportionally to each of the number of residential lots, parcels of real estate, or buildings served through the single water meter.

- (E) In the event two or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into HSD SS, 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. In the case of mobile home courts, the number of dwelling units shall be computed and interpreted as the total number of mobile home spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.
 - (F) In the event a lot, parcel of real estate, or building discharges sanitary sewage, industrial waste, water, or other liquids into the City's sanitary sewerage system, either directly or indirectly, and uses water in excess of ten thousand (10,000) gallons monthly, and it can be shown to the satisfaction of the City that a portion of water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his or her expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the HSD for the determination of the volume of sewage discharged to the HSD SS.
 - (G) In order that single-family domestic and residential users of sewage services to not be penalized for sprinkling lawns during the months of June, July, August, and September, the billing for sewage services for residents and/or domestic users for the months of June, July, August, and September shall be based upon the average water usage for the previous months of January, February, March, and April. In the event the water usage for the previous months of January, February, March, and April is greater than the water usage for the months of June, July, August, and September, then the billing for sewage services shall be computed on the actual water used in the month for which the sewage service bill is being rendered. Domestic and/or residential sewage services applicable to the sprinkling rate shall apply to each lot, parcel of real estate, or building which is occupied and used as a residence. The sprinkling rate shall not apply to any premises which are partially or wholly used for commercial or industrial purposes. In the event a portion of the premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate water meter, and in such case the water usage as registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.
- (Prior Code, § 17-53) (Ord. 1797, § 4) (Prior Code, §53.073)

§ 53.804 SEWERS; STRENGTHS AND CONTENT.

- (A) In order that rates and charges may be justly and equitably adjusted to the service rendered to users, the City shall base its charges not only on the volume, but also on strength and character of the stronger-than-normal domestic sewage and wastes which it is required to treat and dispose of. The HSD shall require the user to determine the

strength and content of all sewage and wastes discharged, either directly or indirectly into the sanitary sewage system, in such manner, by such method and at such times as the HSD may deem practicable considering the conditions and attending circumstances of the case, to determine the proper charge. The user shall furnish a central sampling point available to the HSD at all times.

- (B) Normal sewage domestic waste strength should not exceed a cBOD5 of 170 milligrams per liter of fluid, TSS in excess of 200 milligrams per liter of fluid, Ammonia-Nitrogen in excess of 25.0 milligrams per liter of fluid, and Total Phosphorous in excess of 7.0 milligrams per liter of fluid. Additional charges for treating stronger than normal domestic waste shall be based on the rates set forth in the Fee Schedule in this Chapter.
 - (C) The determination of the pollutants contained in the waste shall follow the latest copy of Standard Methods for the Elimination of Water, Sewage and Industrial Wastes, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation, and in conformance with Guidelines Establishing Test Procedures for Analysis of Pollutants, 40 CFR Part 136, published in the Federal Register on October 13, 1973.
- (Prior Code, § 17-54) (Ord. 1797, § 5) (Prior Code, §53.074) (Ord. 2021-01, § VI)

§ 53.805 BILLING.

The rates and charges shall be prepared, billed, and collected by the HSD in the manner provided by law, Chapter, and the City Code.

- (A) The rates and charges for all users shall be prepared and billed monthly. Annually, each user shall be notified of the portion of the total billing charged for operation, maintenance, and replacement for that user during the preceding year.
 - (B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested, in writing, by the owner, but the billing shall, in no way, relieve the owner from the liability in the event payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the HSD for the purpose of determining whether bills have been paid by the tenant or tenants; provided that, the examination shall be made at the office at which the records are kept and during the hours that the office is open for business.
 - (C) As is provided by statute, all rates and charges not paid by the tenth day of the month following receipt are declared to be delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto.
- (Prior Code, § 17-55) (Ord. 1797, § 6) (Prior Code, §53.075)

§ 53.806 RATE REVIEW.

- (A) In order that the rates and charges for sewage services produce sufficient revenue to fund the proper operation and maintenance of the HSD SS, remain fair and equitable, and be in proportion to the cost of providing services to the various users and user classes, the HSD shall cause a study to be made within a reasonable period following

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the first two (2) years of operation following the date on which this Chapter goes into effect. The study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users, volume and delivery flow rate characteristics attributed to the various users or user classes, the financial position of the sewage works and the adequacy of its revenue to provide reasonable funds for the operation and maintenance, repairs, replacements, debt service requirements, and capital improvements to the wastewater sewage systems.

- (B) Thereafter, on a biennial basis, within a reasonable period following the normal accounting period, the HSD shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. The studies shall be conducted by officers or employees of the HSD or by a firm of certified public accountants, or a firm of consulting engineers which firms shall have experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the city shall determine to be best under the circumstances.

(Prior Code, § 17-56) (Ord. 1797, § 7) (Prior Code, §53.076)

§ 53.807 SPECIAL RATE CONTRACTS.

The Board is further authorized to enter into special rate contracts with customers of the sewage works where a clearly definable reduction in cost to the sewage works can be determined, and the reduction shall be limited to the amount of the reduced costs.

(Prior Code, § 17-59) (Ord. 1797, § 11) (Prior Code, §53.070)

§ 53.808 EFFECTIVE DATE OF SUBCHAPTER.

The rates and charges as set forth herein shall become effective on the first full billing period occurring after the adoption of this Chapter.

(Prior Code, § 17-60) (Ord. 1797, § 12) (Prior Code, §53.070)

ENFORCEMENT

§ 53.900 ENFORCEMENT RESPONSE PLAN.

HSD shall implement the terms, procedures, and conditions of the Enforcement Response Plan (ERP). Enforcement of this Chapter and Non-Domestic Waste Discharge Permits shall be according to the terms and procedures outlined in the HSD's Enforcement Response Plan and any actions allowed by HSD therein shall be in addition to those penalties set out in §53.900-999 of this Chapter.

§ 53.901 NOTIFICATION OF VIOLATION.

When HSD finds that a user has violated, or continues to violate, any provision of this Chapter, a permit, or an order issued hereunder, or any other pretreatment standard or requirement, HSD may serve upon that user a written Notice of Violation. Within fifteen (15)

days of receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention or reoccurrence thereof, to include specific required actions, shall be submitted by the user to HSD.

§ 53.902 ADMINISTRATIVE ORDERS.

HSD may enter into Administrative Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific actions to be taken by the user to correct the noncompliance within a period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §53.904 and §53.905 of this Chapter and shall be judicially enforceable.

§ 53.903 SHOW CAUSE HEARING.

The Industrial Pretreatment Coordinator may order any User who causes or allows an unauthorized discharge to enter the HSD SS to show cause at a HSD hearing why the proposed enforcement action should not be taken. A notice shall be served on the User specifying the time and place of a hearing to be held before the Industrial Pretreatment Coordinator or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.

§ 53.904 COMPLIANCE ORDERS.

When HSD finds that a user has violated, or continues to violate, any provision of this Chapter, a permit, or an order issued hereunder, or any pretreatment standard or requirement, HSD 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.

§ 53.905 CEASE AND DESIST ORDERS.

When HSD finds that a user has violated, or continues to violate, any provision of this Chapter, a discharge permit, or an order issued hereunder, or any pretreatment standard or requirement, or that the user's past violations are likely to recur, HSD may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- (A) Immediately comply with all requirements; and

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

§ 53.906 PENALTIES.

- (A) Notwithstanding any other section, any person who violates any provision or discharge limits of this Chapter or of their issued Non-Domestic Waste Discharge Permit may be assessed an administrative or civil penalty in an amount of not less than one thousand dollars (\$1,000.00) and not to exceed two thousand five hundred dollars (\$2,500.00) per violation. Each parameter violated shall constitute a separate violation. Further, each day's violation shall constitute a separate violation.
- (B) All penalties assessed and compliance with this Chapter may be enforced in a court of competent jurisdiction.
- (C) HSD may seek injunctive relief for noncompliance by Industrial Users subject to Pretreatment Standards and Requirements.
- (D) Nothing in this Chapter shall restrict any right which may be provided by statute or common law to HSD to bring other actions, in law or in equity, including injunctive relief.

§ 53.907 EMERGENCY SUSPENSIONS.

- (A) Notwithstanding any other provision of this Chapter, the HSD may, after informal notification to the user but without formal notice or hearing, suspend the wastewater treatment service and/or a Non-Domestic Waste Discharge Permit when such suspension is necessary, in the opinion of the HSD, to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes interference damage to the HSD SS or GSD POTW, or causes HSD to violate any condition of the contract with GSD for accepting, transporting, and treating HSD's sewage.
- (B) Any user notified of a suspension of the wastewater treatment service and/or the Non-Domestic Waste Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person or industrial user to comply voluntarily with the suspension order, the HSD shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewage system or endangerment to any individuals.
- (C) The HSD shall reinstate the Non-Domestic Waste Discharge Permit and/or the wastewater conveyance service upon proof of the elimination of the noncomplying discharge. The industrial user shall pay all costs associated with disconnecting from and

reconnecting to the HSD SS.

- (D) A detailed written statement submitted by the industrial user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the HSD within five (5) days of the date of occurrence.

§ 53.908 TERMINATION OF DISCHARGE.

- (A) In addition to the provisions in this Chapter, any user who violates the following conditions is subject to discharge termination:
 - (1) Violation of 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 before 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 this Chapter.
- (B) Such a user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §53.903 of this Chapter why the proposed action should not be taken. Exercise of this option by HSD shall not be a bar to, or a prerequisite for, taking any other action against the user.

§ 53.909 LIABILITY FOR DAMAGE AND ATTORNEY FEES.

- (A) If any person violates this Chapter, a discharge permit, or discharges or causes to be discharged a waste which causes interference, obstruction, damage, or any other impairment to the HSD SS and/or GSD's POTW, the HSD and/or GSD may assess charges against said person for:
 - (1) The actual costs expended to clean or repair the SS and/or POTW;
 - (2) The reasonable attorney fees, expert witness fees, engineering fees, consultant fees, and/or other reasonable costs incurred because of such discharges; and
 - (3) Any penalty imposed against the HSD and/or GSD as a result of such interference, obstruction, damage, or impairment; which such fees and charges may be added to said person's regular charges.
- (B) GSD shall submit to HSD an invoice for a violating or discharging non-domestic waste discharger via the HSD SS for any GSD costs after they are incurred. HSD's user's payment of such costs shall be due thirty (30) days after the HSD mails a copy of GSD's Invoice to the HSD's user. Said user shall pay simple interest at the rate of eight (8) percent per annum on the unpaid balance, beginning on the day after final payment is due from said user and compounded annually. Upon the HSD's receipt of any monies paid by an HSD user pursuant to such an Invoice from the GSD, the HSD shall, as soon as practicable, forward said monies to GSD.

§ 53.910 SEARCH WARRANTS.

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

(Ord. 2021-01, § VII)

§ 53.911 DUTY TO MITIGATE: PREVENTION OF ADVERSE IMPACT.

All users of the City's sanitary sewer system shall take all reasonable steps to minimize or prevent any adverse impact of any discharge in violation of this Chapter that has a reasonable potential of adversely affecting human health, the sewage system, the POTW, the waters receiving the POTW's discharge, or the environment.

§ 53.912 ENFORCEMENT OF SANCTIONS AGAINST NON-DOMESTIC WASTE DISCHARGERS FOR VIOLATIONS OF PRETREATMENT STANDARDS, PERMIT, AND REGULATIONS.

- (A) Notwithstanding any other provision of this Chapter, any person, who violates any provision or discharge limit of this Chapter or of their issued discharge permit, may be assessed an administrative surcharge by the HSD in an amount not to exceed two thousand five hundred dollars (\$2,500.00) per violation. The HSD may enforce collection of any such charges by any means authorized by the law, including, but not limited to, water shut-off, termination of sewer service, lien on the violator's property, or litigation in a court of competent jurisdiction.
- (B) This administrative charge is being enacted in recognition of the following facts:
 - (1) That federal and state laws set discharge limitations, pretreatment standards and regulations, and require Pretreatment Programs.
 - (2) That a violation requires GSD and/or HSD to incur additional administrative costs necessary to track, assess and report on such violations; and,
 - (3) That each violation presumably has a negative impact on GSD's POTW and/or the HSD SS and/or the environment.
- (C) HSD's other Remedies: In response to a user's violation of this Chapter and in addition to pursuing the above-listed sanctions against a violator, the HSD and/or GSD may:
 - (1) Reject the violator's wastewater;
 - (2) Require the violator to pretreat or modify the wastewater to meet the pollutant

- limits established in this Chapter; and/or
- (3) Pursue such other legal action at law or at equity, which the HSD may deem appropriate and which may be provided by statute or common law to the HSD, including, but not limited to, injunctive relief and disconnection of a violator.

§ 53.913 JUDICIAL ENFORCEMENT REMEDIES.

When HSD finds that a user has violated, or continues to violate, any provision of this Chapter, a discharge permit, or an order issued hereunder, or any pretreatment standard or requirement, HSD may petition a court of competent jurisdiction in Lake County, Indiana for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the permit, order, or other requirement imposed by this Chapter on activities of the user. HSD 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.

(A) Civil Penalties:

- (1) A user who has violated, or continues to violate, any provision of this Chapter, a discharge permit, or an order issued hereunder, or any pretreatment standard or requirement shall be liable to HSD for a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- (2) HSD may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by HSD.
- (3) In determining the amount of civil liability, the HSD and Court shall consider 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.

- (B) Criminal Prosecution: A user who willfully or negligently violates any provision of this Chapter, a discharge permit, or an order issued hereunder, or any other pretreatment standard or requirement in violation; willfully or negligently introduces any substance into the POTW which causes personal injury or property damage; or knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Chapter, discharge permit, or an order issued hereunder; or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Chapter may be subject to federal or state prosecution to the extent such conduct violates one or more federal or state criminal laws.

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- (C) Remedies Not Exclusive: The remedies provided for in this Chapter are not exclusive. HSD may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally follow HSD's Enforcement Response Plan. However, HSD may take other action against any user when the circumstances warrant it. Further, HSD is empowered to take more than one enforcement action against any noncompliant user.

§ 53.914 SUPPLEMENTAL ENFORCEMENT ACTIONS.

- (A) Enforcement Bonds: Any action may be initiated in a court of competent jurisdiction in Lake County, Indiana relative to the bond provided for in this Chapter as follows:
 - (1) GSD's Counsel may initiate proceedings to forfeit a bond:
 - (a) As a penalty for repeated violations by a contractor, his agents or employees;
or
 - (b) To indemnify GSD against any loss, damage or expense sustained by GSD by reason of the conduct of the contractor, his agents or employees.
 - (2) A person, partnership, or corporation which holds a property interest in the real estate on which sewer work has occurred may bring an action against the bond for expenses necessary to correct code deficiencies therein after written notice of the deficiency and opportunity to cure it, and after the contractor has been given a reasonable opportunity to correct its performance. If such a person, partnership, or corporation prevails in any action brought under this Section, he may also be allowed by the court to recover as part of the judgment a sum equal to the aggregate amount of costs and expenses, including attorney's fees based on actual time expended as determined by the court to have been reasonably incurred by the plaintiff for or in connection with the commencement and prosecution of such action.
- (B) Liability Insurance: HSD may decline to issue or reissue a discharge permit to any user who has failed to comply with any provision of this Chapter, a previous discharge permit, or an order issued hereunder, or any pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the SS and/or POTW caused by its discharge.
- (C) Water Supply Severance: Whenever a user has violated or continues to violate any provision of this Chapter, a discharge permit, or an order issued hereunder, or any pretreatment standard or requirement, water service to the user may be severed at the user's expense. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- (D) Public Nuisances: A violation of any provision of this Chapter, a permit, or an order issued hereunder, or any pretreatment standard or requirement, is hereby declared to be a public nuisance and shall be corrected or abated as directed by HSD. Any person(s) creating a public nuisance shall be subject to the provisions of Indiana law governing such nuisances, including reimbursing HSD for any costs incurred in removing, abating, or remedying said nuisances.

- (E) Contractor Listing (Optional): Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the City.

§ 53.915 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS.

(A) Upset

- (1) For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards or discharge permit standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or necessary repair, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment or discharge permit standards if the requirements of paragraph (3) below are met.
- (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - (a) An upset occurred and the user can identify the cause(s) of the upset;
 - (b) The facility was, at the time, being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to HSD within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 - 1. A description of the indirect discharge and cause of noncompliance;
 - 2 The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - 3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Users will have the opportunity for a judicial determination of any claim in upset only in an enforcement action brought for noncompliance with categorical pretreatment standards or discharge permit standards.

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- (6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards and discharge permit standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.
- (B) Prohibited Discharge Standards: A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §53.101 or the specific prohibitions in §53.102 of this Chapter if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
- (1) A local limit exists for each pollutant discharge and the user was compliant with each limit directly prior to, and during, the pass through or interference; or
 - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when HSD and GSD was regularly in compliance with its NPDES permit, and in the case of interference, was compliant with applicable sludge use or disposal requirements.
- (C) Bypass
- (1) For this section,
 - (a) **BYPASS** means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - (b) **SEVERE PROPERTY DAMAGE** means substantial physical damage to property, damage to the sewage system and/or POTW which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (2) A user may allow any bypass to occur which does not cause pretreatment or discharge permit standards or requirements to be violated, but only if it is also for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this sub-section. If a user knows in advance of the need for a bypass, it shall submit prior written notice to HSD, at least ten (10) days before the date of the bypass, if possible. A user shall submit oral notice to HSD of an unanticipated bypass that exceeds applicable pretreatment or discharge permit standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

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- (3) Bypass is prohibited, and HSD may take an enforcement action against a user for a bypass, unless,
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (c) The user submitted notices as required under paragraph (2) of this sub-section.
- (4) HSD may approve an anticipated bypass, after considering its adverse effects, if HSD determines that it will meet the conditions stated in paragraph (2) of this sub-section (C).

(Ord. 2025-13)