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CHAPTER 52: SEWERS

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GENERAL PROVISIONS

§ 52.001 PURPOSE AND POLICY.

(A) This chapter sets forth uniform requirements for all users of the sewer system components of the publicly owned treatment works (POTW) of the city and to enable the city to comply with all applicable state and federal laws, including the Clean Water Act and the general pretreatment regulations. The objectives of this chapter are:

(1) To regulate the discharge to, and use of, public and private sewers within the service area of the POTW; and the installation and construction of service connections to building sewers within the city sewer service area;

(2) To prevent the introduction of pollutants into the POTW that will interfere with its operation;

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(3) To prevent the introduction of pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;

(4) To protect the POTW, all POTW personnel and the general public from unregulated discharge of wastewater whose constituents could endanger the POTW system and the health and welfare of the POTW personnel or the general public;

(5) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW;

(6) To enable the city to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject; and

(7) To establish a pretreatment program for the regulation and control of industrial discharges through the issuance and enforcement of industrial wastewater discharge permits that set forth the terms, conditions and regulations under which non-compatible wastewaters may be discharged into the city's POTW.

(B) This chapter shall apply to all users of the POTW.
(Ord. 2003-02, passed 3-4-02)

§ 52.002 ADMINISTRATION.

Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to other POTW personnel, such delegation(s) shall be in writing and available for public review.

(Ord. 2003-02, passed 3-4-02)

§ 52.003 ABBREVIATIONS.

The following abbreviations, when used in this chapter, shall have the designated meanings:

| | |
|------|--|
| CBOD | Carbonaceous biochemical oxygen demand |
| CFR | Code of Federal Regulations |
| COD | Chemical oxygen demand |

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| | |
|-------|---|
| EPA | U.S. Environmental Protection Agency |
| gpd | Gallons per day |
| IDEM | Indiana Department of Environmental Management |
| IU | Industrial user |
| NPDES | National Pollutant Discharge Elimination System |
| mg/L | Milligrams per liter |
| POTW | Publicly owned treatment works |
| RCRA | Resource Conservation and Recovery Act |
| SIC | Standard Industrial Classification |
| SIU | Significant industrial user |
| SNC | Significant on-compliance |
| TBOD | Total biochemical oxygen demand |
| TSS | Total suspended solids |

(Ord. 2003-02, passed 3-4-02)

§ 52.004 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.

AMMONIA (or NH₃-N). Ammonia measured as nitrogen. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

APPLICABLE PRETREATMENT STANDARD. Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in this chapter and considered to be most restrictive with which non-domestic users will be required

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to comply.

APPROVAL AUTHORITY. The State of Indiana Department of Environmental Management (IDEM).

AUTHORIZED REPRESENTATIVE OF THE USER.

(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 operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with 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 divisions (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Superintendent.

AVERAGE MONTHLY DISCHARGE LIMITATION. The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

AVERAGE WEEKLY DISCHARGE LIMITATION. The highest allowable average of daily discharges over a calendar week, calculated as the sum of all daily discharges measured during a calendar week divided by the number of daily discharges measured during that week.

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five days at 20° centigrade, usually expressed as a concentration (e.g. mg/l). The BOD measurement may be specified as CBOD or TBOD. The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

BOARD OF PUBLIC WORKS . The Board of Public Works of the City of Garrett, Indiana, or any duly authorized officials or boards acting in its behalf.

BUILDING (or HOUSE) DRAIN. The lowest horizontal piping of building drainage system which receives the discharge from waste, and other drainage pipes inside the walls of the building and conveys it to a point approximately five feet outside the foundation wall of the building.

BUILDING DRAIN – STORM. A building drain which conveys storm water or other clean water draining, but not wastewater.

BUILDING SEWER (LATERAL). A pipe which is connected to the building (or house) drain at a point approximately five feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer, to a septic tank or other place of disposal.

BUILDING SEWER (or DRAIN) – SANITARY. A building drain which conveys sanitary or industrial sewage only.

CATEGORICAL PRETREATMENT STANDARDS (CATEGORICAL STANDARDS). Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405–471.

CHEMICAL OXYGEN DEMAND. A measure of the oxygen equivalent of that portion of organic matter in wastewater that is susceptible to oxidation by a strong chemical oxidant, as determined by approved EPA or Standard Methods.

CITY. The City of Garrett, DeKalb County, Indiana.

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CITY COUNCIL. The Common Council of the City of Garrett, DeKalb County, Indiana, or any duly authorized official acting on its behalf.

COOLING WATER. The water discharged from any use such as air conditioning, cooling, refrigeration, or to which the only pollutant added is heat.

COMBINED SEWER. A sewer pipe intended to receive sanitary, commercial and industrial wastewaters as well as stormwater from storm events.

COMPATIBLE POLLUTANT. Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus any additional pollutants identified in the POTW's NPDES permit, where the POTW is designated to treat such pollutants and, in fact, does remove such pollutants to the degree required by the POTW's NPDES permit or to a substantial degree. Substantial degree is not subject to precise definition but generally contemplates removals in the order of 85% or greater. Minor incidental removals in the order of 10% to 40% are not considered substantial. Except as prohibited herein or where these materials would interfere with the operation and performance of the POTW, examples of additional pollutants which may be considered compatible, depending on concentration, include: chemical oxygen demand, total organic carbon, phosphorus and phosphorus compounds, ammonia, e-coli, fats, oils and greases of animals or vegetable origin.

COMPOSITE SAMPLE. The sample resulting from the combination of individual samples taken at selected intervals based on the increment of flow or time. Composite wastewater samples shall contain a minimum of four discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

CONTROL AUTHORITY. Refers to the Board of Public Works.

DAILY DISCHARGE. Discharge measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling.

DEBT SERVICE COSTS. The average annual principal and interest payments on all revenue bonds or other long-term capital debt.

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

EASEMENT. An acquired legal right for the specific use of land by others.

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

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

EXCESSIVE STRENGTH SURCHARGE. An additional charge that is billed to users for treating sewage wastes with an average strength in excess of normal domestic sewage.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE. A sample that is taken from a waste stream on a one-time basis with no regard to the flow of the waste stream and without consideration of time.

GROUND (SHREDDED) GARBAGE. Garbage that has been shredded to such a degree that all particles will be carried freely in suspension under conditions normally prevailing in the sewage system, with no particle being greater than one-half inch in dimension.

HOLDING TANK WASTE. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, grease interceptors and traps, and vacuum pump tank trucks.

INCOMPATIBLE POLLUTANT. Any pollutant that is not defined as a compatible pollutant including non-biodegradable dissolved solids.

INDIRECT DISCHARGE. The discharge or introduction of non-domestic pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act.

INDUSTRIAL WASTES. Any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resources carried on by any person, exclusive of sanitary sewage.

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

INFLOW. Water discharged and entering into the sewer system including building drains, from such sources such as but not limited to roof, down spouts, cellars, yard, area drains, foundation drains, unpolluted cooling water, drains from springs and swampy areas, and combined sewers, catch basins, stormwater run-off, street wash water and drainage. (**INFLOW** does not include and is distinguishable from **INFILTRATION**).

INFLOW/INFILTRATION (I/I). The total quantity of water from both inflow and infiltration without distinguishing the source.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the city's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

MAXIMUM DAILY DISCHARGE LIMITATIONS. The highest allowable daily discharge for a calendar day or specified 24-hour period.

MAY. Is permissive.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

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***NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)
PERMIT.***

A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Section 402 of PL 92-500.

NEW SOURCE.

(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 be applicable to such source if such standards are thereafter promulgated in accordance with 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 totally 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 integrated with the existing plant, and, the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(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 divisions (1)(b) or (c) above 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 on-site construction program;

1. Any placement, assembly, or installation of facilities or equipment; or

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2. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(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 which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NORMAL DOMESTIC SEWAGE. Wastewater or sewage having an average daily concentration as follows:

- (1) TSS not more than 225 mg/L.
- (2) CBOD₅ not more than 200 mg/L .
- (3) Ammonia-N not more than 20 mg/L.
- (4) COD not more than 500 mg/L .
- (5) Phosphorous not more than 10 mg/L.

As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences are distinct from industrial processes.

PASS THROUGH. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the city's NPDES permit, including an increase in the magnitude or duration of a violation.

PERSON. Any individual, partnership, firm, company, municipal or private corporation, association, society, institutions, enterprise, governmental agency or other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by context.

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

POLLUTANT. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural, industrial wastes and certain characteristics of wastewater (e.g. pH, temperature, TSS, turbidity, color, TBOD, CBOD, COD, toxicity or odor) discharged or carried in water.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS. Prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works, as defined by Section 212 of the Act, which is owned by the city. This definition includes any devices or systems used in the collection, pumping, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

SANITARY SEWER. A sewer or system of pipes for conveying sanitary, commercial and industrial wastewaters and into which stormwater and/or water from storm events are not intentionally admitted.

SEPTAGE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. The combination of the liquid and water-carried wastes from residences, business buildings, institutions and industrial establishments singular or in any combination, together with such ground, surface, and storm waters as

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may be present.

SEWAGE WORKS. The structures, equipment and processes to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

SEWER. A pipe or conduit or system of pipes and conduits for carrying sewage or other waste liquids.

SHALL. Is mandatory.

SIGNIFICANT INDUSTRIAL USER (SIU).

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater);
 - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (c) Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in division (2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from a user, and in accordance with the Act, determine that such user should not be considered a **SIGNIFICANT INDUSTRIAL USER**.

SLUG LOAD or SLUG. Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in § 52.010. Any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24-hour concentration or flows during normal operation.

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STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

STANDARD METHODS. The laboratory procedures set forth in the latest edition, at the time of analysis, of *Standard Methods for the Examination of Water and Wastewater* prepared and published by the American Water Works Association, the Water Environmental Federal and the American Public Health Association.

STATE. State of Indiana.

STORM SEWER. A sewer or system of pipes for conveying surface water or ground water from any source and into which sanitary and/or industrial wastes are not intentionally admitted.

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

SUPERINTENDENT. The Wastewater Superintendent designated by the Board of Public Works to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter, or a duly authorized representative.

TOTAL SUSPENDED SOLIDS (TSS). The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering usually expressed as a concentration (e.g. mg/L). The laboratory determinations shall be made in accordance with procedures set forth in the latest edition of 40 CFR Part 136.3.

TOTAL TOXIC ORGANICS (TTOs). Toxic organics, as defined and analytically measured by definition in the Federal Register.

TOXIC AMOUNT. Concentrations of any pollutant or combination of pollutants, which upon exposure to or assimilation into an organism, will cause adverse effects, such as cancer, genetic mutations, and physiological manifestations as defined in standards issued pursuant to Section 307(a) of the Act.

TOXIC POLLUTANT. Those substances referred to in Section 307(a) of the Act, as well as any other known potential substance capable of producing toxic effects.

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

USER. Any person who contributes, causes, or permits the contribution of residential, commercial, industrial or any other type of wastewater into the city's POTW. **USERS** may be classified as residential, commercial, industrial, governmental/institutional as may be appropriate to identify the type of wastewater that the user contributes to the wastewater system.

WASTEWATER. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

WASTEWATER CONSTITUENTS AND CHARACTERISTICS. The individual chemical, physical, bacteriological and radiological parameters, including volume, flow rate and other parameters that serve to define, classify or measure the quality, quantity and strength of wastewater.

WASTEWATER TREATMENT PLANT (TREATMENT PLANT). That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

(Ord. 2003-02, passed 3-4-02)

GENERAL RULES AND REQUIREMENTS

§ 52.010 GENERAL REQUIREMENTS.

(A) It shall be unlawful for any person to place, deposit, permit to be deposited or discharge to any natural outlet within the city or any area under the jurisdiction of the city, any sanitary, commercial, industrial or polluted wastewaters except where suitable treatment has been provided in accordance with this chapter.

(B) Except as herein provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other wastewater treatment facility intended or used for the treatment and/or disposal of sewage.

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(C) No person shall construct, repair, modify or alter a sewer lateral, public sewer, manhole or other sewer system appurtenance without first obtaining a permit from the Superintendent.

(D) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, pipe or equipment which is part of the sewage system.

(E) No persons shall discharge or cause to be discharged any extraneous water, such as sump pump discharges, building downspouts or perimeter drains, stormwater, surface water, ground water, roof run-off, cooling water or unpolluted industrial process waters into any sanitary sewer.

(F) The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purpose situated in the city and abutting on any street, alley, right-of-way or easement in which there is now located or may in the future be located a public sanitary or combined sewer of the city, are hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities and industrial waste outlets directly with the public sewer in accordance with this chapter within 90 days after the date of official notice to do so, provided that such public sewer is within 300 feet of the property line.

(G) No statement contained in this chapter shall be construed as preventing the city from entering into an agreement between the city and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the city for treatment subject to payment for treatment services by the industrial discharger.

(H) It shall be the responsibility of the property owner to pay for the cost of constructing the sewer lateral from the building to the public sewer. It shall be the responsibility of the property owner to pay for the cost of maintaining the sewer lateral from the building to the public sewer.

(I) A separate and independent sanitary sewer lateral shall be provided for each and every building, except present sewer structures in use; and except that where one building stands at the rear of another on the same lot and no sanitary sewer can be constructed to the rear building through an adjoining alley, court, yard or driveway, the sewer lateral from the front building may be extended to the rear building and the whole sewer lateral considered as one sewer lateral for the single property.

(J) Old building sanitary sewer laterals may be used in connection with new

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buildings only when they are found on examination and testing by the Wastewater Department to meet all requirements of new sanitary sewer laterals.

(K) The Wastewater Department shall develop and submit to the Board of Public Works for approval written construction standards for the construction of sewer laterals, sewer mains, manholes and other appurtenances that are connected to the city sewer system. The Wastewater Department shall revise the construction standards as appropriate and on a regular basis.

(L) The construction of all sewers, components, systems or private sewers that connect to the city sewer system shall comply with the requirements of the Wastewater Department's Construction Standards. The acceptance of the applicability of these standards to all sewers shall be considered part of the terms for the approval of connection to the city sewer system.

(M) The construction of combined sewers is prohibited. All new sanitary sewers constructed within the city wastewater system must be constructed as separate sanitary sewers or as separate storm sewers per the standards described in division (K) above.

(N) Any new building connection that may contribute inflow or clear water to an existing combined sewer must be approved by the Board of Public Works and Safety before construction and must be made separate and distinct from the sanitary waste connection to facilitate disconnection of the inflow or clear water connection if and when a separate storm sewer subsequently becomes available.

(O) Disconnection of extraneous water sources identified by the city (including, but not limited to, sump pumps, downspouts, perimeter drains, stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, demonized water, non-contact cooling water and unpolluted wastewater) from the sanitary sewer is mandatory, unless a variance is approved by the Board of Public Works and Safety. (Ord. 2003-02, passed 3-4-02; Am. Ord. 2009-20, passed 12-15-09)

§ 52.011 PROHIBITED DISCHARGE STANDARDS.

(A) *General Prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

(B) *Specific Prohibitions.* No user shall introduce or cause to be introduced

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into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flash point of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than 6.0 or more than 10, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 1/8-inch in dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 140°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);

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

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

(8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 52.024;

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

(10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the city's NPDES permit;

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(11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;

(12) Sump pump discharges, downspouts, perimeter drains, stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, demonized water, non-contact cooling water and unpolluted wastewater;

(13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

(14) Medical wastes, except as specifically authorized by the Board of Public Works in a wastewater discharge permit;

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant=s effluent to fail its NPDES toxicity test;

(16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;

(17) Wastewater causing two readings on an explosion hazard meter at the point: of discharge into the POTW, or at any point in the POTW, of more than 10% or any single reading over 10% of the lower explosive limit of the meter;

(18) Materials causing, alone or in conjunction with other materials normally in the sewer system, an obstruction to the flow in the sewer line or system or injury to the sewer system or cause a nuisance or prevention of effective maintenance or operation of the sewer; or

(19) Fats, oils or grease of animal or vegetable origin in concentrations greater than 100 mg/L.

(C) *Storage.* Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. 2003-02, passed 3-4-02; Am. Ord. 2009-20, passed 12-15-09)

§ 52.012 NATIONAL CATEGORICAL PRETREATMENT STANDARDS.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

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(A) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Board of Public Works, through the designated Pretreatment Coordinator, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(B) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Board of Public Works, through the designated Pretreatment Coordinator, shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(C) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

(D) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
(Ord. 2003-02, passed 3-4-02)

§ 52.013 STATE PRETREATMENT STANDARDS.

The State of Indiana=s pretreatment standards are hereby incorporated by reference.
(Ord. 2003-02, passed 3-4-02)

§ 52.014 LOCAL LIMITS.

(A) The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following maximum allowable discharge limits based upon a 24-hour flow composite sample. No single sample portion of the 24-hour flow composite sample or instantaneous sample shall be in excess of the four times the daily maximum concentration.

(1) Maximum Daily Concentration

(a) 1.5 mg/L total aluminum

(b) 0.03 mg/L total arsenic

(c) 0.15 mg/L total cadmium

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- (d) 1.5 mg/L total chromium
- (e) 0.5 mg/L total copper
- (f) 0.15 mg/L total cyanide
- (g) 10.0 mg/L total iron
- (h) 0.5 mg/L total lead
- (i) 0.003 mg/L total mercury
- (j) 1.0 mg/L molybdenum
- (k) 1.0 mg/L total nickel
- (l) 0.10 mg/L total selenium
- (m) 0.25 mg/L total silver
- (n) 0.5 mg/L total phenols
- (o) 1.0 mg/L total zinc

(B) Total Toxic Organics (TTOs). Limits for those parameters on the TTO list will be considered on an individual case-by-case basis, by the Board of Public Works, for those not listed in the 40 CFR Regulations. The Board shall consider such factors including but not limited to: concentration, loading, flow to the wastewater treatment plant and other consideration necessary to prevent pass through and protect the POTW.

(C) Any wastewater containing in excess of 200 mg/L of CBOD₅ or 225 mg/L total suspended solids or 20 mg/L ammonia-N or 500 mg/L chemical oxygen demand or 10 mg/L total phosphorous will be surcharged as high strength wastewater. Surcharges may be for CBOD₅ or COD, but not for both. The issuance of surcharges for treating high strength wastewater shall not be construed as acceptance of high strength wastewaters for treatment by the city. The city reserves the right and authority to prohibit the discharge of high strength wastewater when such wastewaters cause or are reasonably expected to cause POTW upsets, overloading or damage to the sewer collection system.

(D) The above limits apply at the point where the wastewater is discharged into the public sewer. The Board of Public Works may impose mass limitations in

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addition to, or in place of, the concentration-based limitations above.
(Ord. 2003-02, passed 3-4-02)

§ 52.015 CITY'S RIGHT OF REVISION.

The city reserves the right to establish, by ordinance or in industrial wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. 2003-02, passed 3-4-02)

§ 52.016 DILUTION.

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

(Ord. 2003-02, passed 3-4-02)

PRETREATMENT OF WASTEWATER

§ 52.020 ESTABLISHMENT OF A PRETREATMENT PROGRAM.

The Superintendent is hereby authorized and directed to establish a Pretreatment Program for the purpose of properly monitoring and controlling the discharging of non-domestic wastewaters into the city's sewer system. The Pretreatment Program shall have written policies and procedures developed and approved by the Board of Public Works. The policies and procedures shall address, but not be limited to, issues such as a schedule and frequency of surveillance of significant industrial users, enforcement procedures and enforcement response plan.

(Ord. 2003-02, passed 3-4-02)

§ 52.021 PRETREATMENT FACILITIES.

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 § 52.010 within the time limitations specified by EPA, the state, or the Board of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and

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maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Board for review, and shall be reviewed and approved by the Board before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the city under the provisions of this chapter.

(Ord. 2003-02, passed 3-4-02)

§ 52.022 ADDITIONAL PRETREATMENT MEASURES.

(A) Whenever deemed necessary, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this chapter.

(B) The Superintendent may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

(C) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interceptor units shall be of type and capacity approved by the Superintendent and shall be so 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.

(D) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
(Ord. 2003-02, passed 3-4-02)

§ 52.023 ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS.

At least once every two years, the Superintendent shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Superintendent may require any user to develop, submit for approval, and implement such a plan. The Superintendent may develop such a plan for any user who fails to develop the required plan or who does not address the minimum

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criteria for a complete plan, as determined by the Superintendent. 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 the Superintendent of any accidental or slug discharge, as required by § 52.055; and

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

(Ord. 2003-02, passed 3-4-02)

§ 52.024 HAULED WASTEWATER.

(A) Septage may be introduced into the POTW only at locations designated by the Superintendent, and at such times as are established by the Superintendent. Such waste shall not violate '§ 52.010 through 52.016 or any other requirements established by the city. The Superintendent may require septage haulers to obtain wastewater discharge permits. The Superintendent may require septage haulers to provide a laboratory analysis of the waste prior to discharge, to ensure compliance with this chapter, and may require the septage hauler to obtain an industrial wastewater discharge permit.

(B) The Superintendent shall require haulers of industrial waste to obtain wastewater discharge permits. The Superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this chapter.

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

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

(Ord. 2003-02, passed 3-4-02)

WASTEWATER DISCHARGE PERMIT APPLICATION

§ 52.030 WASTEWATER ANALYSIS.

When requested by the Superintendent, a user must submit information on the nature and characteristics of its wastewater within ten business days of the request. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information. Failure to complete and submit this form shall be deemed a violation of this chapter and subjects the user to the sanctions set out in '§ 52.080 through 52.105.

(Ord. 2003-02, passed 3-4-02)

§ 52.031 WASTEWATER DISCHARGE PERMIT REQUIREMENT.

(A) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Superintendent, except that a significant industrial user that has filed a timely application pursuant to § 52.032 may continue to discharge for the time period specified therein.

(B) The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(C) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the sanctions set out in '§ 52.080 through 52.105. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(Ord. 2003-02, passed 3-4-02)

§ 52.032 WASTEWATER DISCHARGE PERMITTING: EXISTING CONNECTIONS.

Any user, industrial user or significant industrial user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this chapter and who wishes to continue such discharges

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in the future, shall, within 90 calendar days after said date, apply to the Superintendent for a wastewater discharge permit in accordance with § 52.034. (Ord. 2003-02, passed 3-4-02)

§ 52.033 WASTEWATER DISCHARGE PERMITTING: NEW CONNECTIONS.

Any user, industrial user or significant industrial user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with § 52.034, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(Ord. 2003-02, passed 3-4-02)

§ 52.034 WASTEWATER DISCHARGE PERMIT APPLICATION CONTENTS.

(A) All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information required by § 52.050(B) including but not limited to:

(1) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

(2) Number and type of employees, hours of operation, and proposed or actual hours of operation;

(3) Each product produced by type, amount, process or processes, and rate of production;

(4) Type and amount of raw materials processed (average and maximum per day);

(5) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(6) Time and duration of discharges; and

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

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

(Ord. 2003-02, passed 3-4-02)

§ 52.035 APPLICATION SIGNATORIES AND CERTIFICATION.

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

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, 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. 2003-02, passed 3-4-02)

§ 52.036 WASTEWATER DISCHARGE PERMIT DECISIONS.

The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 working days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit with justifiable cause. The Superintendent shall provide the applicant a written record documenting the reasons for approving or disapproving a wastewater discharge permit application.

(Ord. 2003-02, passed 3-4-02)

WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

§ 52.040 WASTEWATER DISCHARGE PERMIT DURATION.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. 2003-02, passed 3-4-02)

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§ 52.041 WASTEWATER DISCHARGE PERMIT CONTENTS.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Superintendent to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(A) Wastewater discharge permits shall contain:

(1) A statement that indicates wastewater discharge permit duration shall not exceed more than five years;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with § 52.044, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits based on applicable pretreatment standards;

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law;

(6) A written statement documenting the basis for the issuance of the permit and limits; and

(7) A copy of the city's sewer use ordinance.

(B) Wastewater discharge permits may contain, but are not limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce,

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eliminate, or prevent the introduction of pollutants into the treatment works;

(3) A compliance schedule containing increments of progress with specific dates for the commencement and completion of major events related to the construction and operation of additional pretreatment required for the user to meet applicable categorical pretreatment standards, local limits or other wastewater discharge permit provisions. A specific date for compliance with the applicable standard, limit or condition shall be included in the schedule. No increment of the compliance schedule shall exceed nine calendar months nor may the total schedule exceed three calendar years.

(4) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

(5) Development and implementation of waste minimization and/or pollution prevention plans to reduce the amount of pollutants discharged to the POTW;

(6) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment;

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(9) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

(Ord. 2003-02, passed 3-4-02)

§ 52.042 WASTEWATER DISCHARGE PERMIT APPEALS.

(A) The Superintendent shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Superintendent to reconsider the terms of a wastewater discharge permit within 30 working days of notice of its issuance.

(B) Failure to submit a timely petition for review shall be deemed to be a

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waiver of the administrative appeal. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

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

(D) The Superintendent will either approve or deny the petition or schedule a conference with the applicant within 30 working days of the submission of the petition for review. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(E) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with a court of competent jurisdiction within 30 days.
(Ord. 2003-02, passed 3-4-02)

§ 52.043 WASTEWATER DISCHARGE PERMIT MODIFICATION.

The Superintendent may modify a wastewater 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 wastewater discharge 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 the city's POTW, city personnel, or the receiving waters;

(E) Violation of any terms or conditions of the wastewater discharge permit;

(F) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

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(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 wastewater discharge permit; or

(I) To reflect a transfer of the facility ownership or operation to a new owner or operator.

(Ord. 2003-02, passed 3-4-02)

§ 52.044 WASTEWATER DISCHARGE PERMIT TRANSFER.

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

(1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

(B) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. 2003-02, passed 3-4-02)

§ 52.045 WASTEWATER DISCHARGE PERMIT REVOCATION.

(A) The Superintendent may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to § 52.054;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

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

(B) Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.
(Ord. 2003-02, passed 3-4-02)

§ 52.046 WASTEWATER DISCHARGE PERMIT REISSUANCE.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with § 52.034, a minimum of 120 days prior to the expiration of the user's existing wastewater discharge permit.
(Ord. 2003-02, passed 3-4-02)

§ 52.047 REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS.

(A) If another municipality, political jurisdiction or user located within another municipality or other political jurisdiction outside of the city, contributes wastewater to the POTW, the Superintendent shall enter into an agreement with

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the contributing political jurisdiction, user and political jurisdiction in which the user is located.

(B) Prior to entering into an agreement required by division (A) above, the Superintendent shall request the following information from the contributing jurisdiction and user:

(1) A description of the quality and volume of wastewater discharged to the POTW by the contributing jurisdiction or user;

(2) An inventory of all users located within the contributing jurisdiction that are discharging to the POTW; and

(3) Such other information as the Superintendent may deem necessary.

(C) An agreement, as required by division (A) above, shall contain the following conditions:

(1) A requirement for the contributing political jurisdiction and user to adopt a sewer use ordinance which is at least as stringent as this chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

(2) A requirement for the contributing political jurisdiction and user to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing political jurisdiction; which of these activities will be conducted by the Superintendent; and which of these activities will be conducted jointly by the contributing jurisdiction and the Superintendent;

(4) A requirement for the contributing political jurisdiction to provide the Superintendent with access to all information that the contributing political jurisdiction obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing political jurisdiction's and user's wastewaters at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing political jurisdiction's discharge;

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(7) A provision ensuring the Superintendent access to the facilities of users located within the contributing political jurisdiction's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Superintendent; and

(8) A provision specifying remedies available for breach of the terms of the intergovernmental agreement.
(Ord. 2003-02, passed 3-4-02)

REPORTING REQUIREMENTS

§ 52.050 BASELINE MONITORING REPORTS.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in division (B) below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Superintendent a report which contains the information listed in division (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(1) *Identifying Information.* The name and address of the facility, including the name of the operator and owner.

(2) *Environmental Permits.* A list of any environmental control permits held by or for the facility.

(3) *Description of Operations.* A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram that indicates points of discharge to the POTW from the regulated processes.

(4) *Flow Measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste

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stream formula set out in 40 CFR 403.6(e).

(5) *Measurement of Pollutants.*

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 52.059.

(c) Sampling must be performed in accordance with procedures set out in § 52.060.

(6) *Certification.* A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) *Compliance Schedule.* If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule, as described in § 52.041(B)(3), by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 52.051.

(8) *Signature and Certification.* All baseline-monitoring reports must be signed and certified in accordance with § 52.035.
(Ord. 2003-02, passed 3-4-02)

§ 52.051 COMPLIANCE SCHEDULE PROGRESS REPORTS.

The following conditions shall apply to the compliance schedule required by § 52.050(B)(7):

(A) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction

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and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

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

(D) In no event shall more than two months elapse between such progress reports to the Superintendent.

(Ord. 2003-02, passed 3-4-02)

§ 52.052 REPORTS ON COMPLIANCE WITH CATEGORICAL PRETREATMENT STANDARD DEADLINE

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 52.050(B)(4 through 6). For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 52.035.

(Ord. 2003-02, passed 3-4-02)

§ 52.053 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic

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compliance reports must be signed and certified in accordance with § 52.035.

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

(C) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in '§ 52.050 through 52.062, the results of this monitoring shall be included in the report.

(Ord. 2003-02, passed 3-4-02)

§ 52.054 REPORTS OF CHANGED CONDITIONS.

Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 working days before the change.

(A) The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 52.034.

(B) The Superintendent may issue a wastewater discharge permit under § 52.036 or modify an existing wastewater discharge permit under § 52.043 in response to changed conditions or anticipated changed conditions.

(C) For purposes of this requirement, significant changes include, but are not limited to, flow increases of 15% or greater, and the discharge of any previously unreported pollutants.

(Ord. 2003-02, passed 3-4-02)

§ 52.055 REPORTS OF POTENTIAL PROBLEMS.

(A) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

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

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

(Ord. 2003-02, passed 3-4-02)

§ 52.056 REPORTS FROM UNPERMITTED USERS.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Superintendent upon receipt of a written request from the Superintendent stating the nature of the information requested.

(Ord. 2003-02, passed 3-4-02)

§ 52.057 NOTICE OF VIOLATION/REPEAT SAMPLING AND REPORTING.

If sampling performed by a user indicates a violation, the user must notify the Superintendent within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within 30 days after becoming aware of the violation. The user is not required to resample if the Superintendent monitors at the user's facility at least once a month, or if the Superintendent samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. 2003-02, passed 3-4-02)

§ 52.058 DISCHARGE OF HAZARDOUS WASTE.

Any discharge into the POTW of any waste, substance, material or substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 is prohibited unless authorized by written permit signed by the Superintendent.

(Ord. 2003-02, passed 3-4-02)

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§ 52.059 ANALYTICAL REQUIREMENTS.

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

(Ord. 2003-02, passed 3-4-02)

§ 52.060 SAMPLE COLLECTION.

(A) Except as indicated in division (B) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four 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.

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

(C) Samples for monitoring compliance of categorical industries should be taken immediately downstream from the pretreatment facilities if such facilities exist or immediately downstream from the regulated process if no pretreatment facilities exist. If other wastewaters are mixed with the regulated wastewater prior to treatment, the user should measure the flows and concentration necessary to allow use of the combined wastestream in order to evaluate compliance with pretreatment standards. When an alternate concentration or mass limit has been calculated this adjusted limit along with the supporting data shall be submitted to the Superintendent.

(Ord. 2003-02, passed 3-4-02)

§ 52.061 TIMING.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed the date of receipt of the report shall govern.

(Ord. 2003-02, passed 3-4-02)

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§ 52.062 RECORDKEEPING.

(A) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities, instrumentation calibration, operation logs, reports, correspondence and sample logs required by this chapter and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the Superintendent.

(B) The POTW shall retain and preserve all permit files, records and enforcement activity records for no less than three years.
(Ord. 2003-02, passed 3-4-02)

COMPLIANCE ASSURANCE AND MONITORING

§ 52.065 RIGHT OF ENTRY; INSPECTION AND SAMPLING.

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

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

(C) The Superintendent shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(D) The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be

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maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

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

(F) Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this chapter.
(Ord. 2003-02, passed 3-4-02)

§ 52.066 SEARCH WARRANTS.

If the Superintendent has been refused access to a building, structure or property or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city 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 the Superintendent may seek issuance of a search warrant from a court of competent jurisdiction.

(Ord. 2003-02, passed 3-4-02)

CONFIDENTIAL INFORMATION

§ 52.070 GENERAL PROVISIONS.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Superintendent's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Superintendent, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the

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report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 2003-02, passed 3-4-02)

PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

§ 52.075 GENERAL PROVISIONS.

The Superintendent shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

(A) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

(C) Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;

(D) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Superintendent's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 60 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

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(G) Failure to accurately report noncompliance; or

(H) Any other violation(s) that the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.
(Ord. 2003-02, passed 3-4-02)

ADMINISTRATIVE ENFORCEMENT REMEDIES

§ 52.080 ENFORCEMENT REMEDIES.

The Superintendent shall develop and publish a written Enforcement Response Guide outlining cause for enforcement action and the level of enforcement action. Nothing in the Enforcement Response Guide shall limit or restrict the Superintendent from taking enforcement actions more severe than those published in the Enforcement Response Guide.
(Ord. 2003-02, passed 3-4-02)

§ 52.081 NOTIFICATION OF VIOLATION.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written Notice of Violation (NOV). Within 30 days of the receipt of a NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
(Ord. 2003-02, passed 3-4-02)

§ 52.082 CONSENT ORDERS.

The Superintendent may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to '§ 52.083 and 52.084 and shall be judicially enforceable.
(Ord. 2003-02, passed 3-4-02)

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§ 52.083 SHOW CAUSE HEARING.

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

(Ord. 2003-02, passed 3-4-02)

§ 52.084 COMPLIANCE ORDERS.

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

(Ord. 2003-02, passed 3-4-02)

§ 52.085 CEASE AND DESIST ORDERS.

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

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(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

(B) Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Ord. 2003-02, passed 3-4-02)

§ 52.086 ADMINISTRATIVE FINES.

(A) When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000.00. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

(B) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 12% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(D) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.
(Ord. 2003-02, passed 3-4-02)

§ 52.087 EMERGENCY SUSPENSIONS.

(A) The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge that reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The

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Superintendent may also immediately suspend a user=s discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

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

(C) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Superintendent prior to the date of any show cause or termination hearing under § 52.083 and this section.

(D) Nothing in this chapter shall be interpreted as requiring a hearing prior to any emergency suspension under this section.
(Ord. 2003-02, passed 3-4-02)

§ 52.088 TERMINATION OF DISCHARGE.

(A) In addition to the provisions in § 52.045, any user who violates the following conditions is subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user=s premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in '§ 52.010 through 52.016.

(B) Such user will be notified of the proposed termination of its discharge and

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be offered an opportunity to show cause under § 52.083 why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 2003-02, passed 3-4-02)

JUDICIAL ENFORCEMENT REMEDIES

§ 52.095 INJUNCTIVE RELIEF.

When the Superintendent finds that a user has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Superintendent may petition a court of competent jurisdiction through the City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this chapter on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2003-02, passed 3-4-02)

§ 52.096 CIVIL PENALTIES.

(A) (1) A user who has violated, or continues to violate, any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the city for a civil penalty of not less than \$1,000 nor more than \$2,500 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) A user who has violated, or continues to violate, '§ 52.010(E), (M), (N), (O) or 52.011(12) shall be liable to the city for a civil penalty of \$100 per week and each consecutive week shall constitute a separate violation.

(B) The Superintendent may recover reasonable attorneys= fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

(C) In determining the amount of civil liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any

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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.

(D) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 2003-02, passed 3-4-02; Am. Ord. 2009-20, passed 12-15-09)

§ 52.097 CRIMINAL PENALTIES.

(A) Any person who knowingly or willfully makes any false statement, representation or certification in any application, report or other document required by this chapter or other regulations adopted by the Board, or who tampers with or knowingly or willfully renders inaccurate any monitoring device so as to render false information may be subject to the provisions of IC 35-44-2-1. The Board's counsel shall, when appropriate, refer such matters to the DeKalb County Prosecutor for consideration of criminal prosecution. The Board also reserves the right to refer suspected knowing or willful violations to the Indiana Department of Environmental Management or the U.S. Environmental Protection Agency, Region 5 for criminal prosecution.

(B) All reports and other documents required to be submitted or maintained pursuant to this chapter are subject to:

(1) The provisions of 18 USC § 1001 relating to fraud and false statements;

(2) The provisions of Section 309(c)(4) of the Clean Water Act, as amended, governing false statements, representations or certification; and

(3) The provisions of Section 309(c)(6) of the Clean Water Act regarding responsible corporate officers.

(Ord. 2003-02, passed 3-4-02)

§ 52.098 REMEDIES NONEXCLUSIVE.

The remedies provided for in this chapter are not exclusive. The Superintendent may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the city's Enforcement Response Plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 2003-02, passed 3-4-02)

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SUPPLEMENTAL ENFORCEMENT ACTION

§ 52.105 PUBLIC NUISANCES.

A violation of any provision of this chapter, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of the this Code of Ordinances governing such nuisances, including reimbursing the city for any costs incurred in removing, abating, or remedying said nuisance.

(Ord. 2003-02, passed 3-4-02)

AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

§ 52.110 UPSET.

(A) For the purposes of this section, ***UPSET*** means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An ***UPSET*** does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(B) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of division (C) below are met.

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

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) 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

(3) The user has submitted the following information to the Superintendent within 24 hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five days:

(a) A description of the indirect discharge and cause of

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noncompliance:,

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(D) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(E) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

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

(Ord. 2003-02, passed 3-4-02)

§ 52.111 PROHIBITED DISCHARGE STANDARDS.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in 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:

(A) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

(B) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the city was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 2003-02, passed 3-4-02)

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§ 52.112 BYPASS.

(A) For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BYPASS or **BYPASSING**. The intentional diversion of wastestreams from any portion of a user's treatment facility.

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

(B) A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of divisions (C) and (D) below.

(C) (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Superintendent, at least ten days before the date of the bypass, if possible.

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

(D) (1) Bypassing is prohibited, and the Superintendent 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

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adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under division (C) above.

(2) The Superintendent may approve an anticipated bypass, after considering its adverse effects, if the Superintendent determines that it will meet the three conditions listed in division (D)(1) above.

(Ord. 2003-02, passed 3-4-02)

MISCELLANEOUS PROVISIONS

§ 52.115 PRETREATMENT CHARGES AND FEES.

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

(A) Fees for wastewater discharge permit applications including the cost of processing such applications;

(B) 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;

(C) Fees for reviewing and responding to accidental discharge procedures and construction;

(D) Fees for filing appeals; and

(E) Other fees as the city 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, fines, and penalties chargeable by the city.

(Ord. 2003-02, passed 3-4-02)