



**SUPPORTING DOCUMENTATION:**  
Ordinance 2011-06, Exhibit A, and Exhibit B

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**ACTION(S) REQUESTED:**  
Approval of Ordinance 2011-06 through separate 1st, 2nd, and 3rd Readings.

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**TOWN MANAGER'S OFFICE:**

Approved for Town Council Meeting on:  
10 March 11

*D. Leighton*

March 2, 2011 – Town of Brownsburg

Summary of Proposed Sewer Use Ordinance Changes:

As required in the NPDES Wastewater Discharge Permit, the Town Sewer Use Ordinance has been reviewed and the approval letter from IDEM was received March 1, 2011. Chapters 52 and 53 of the Town Ordinance both share information related to use of sewers and have been combined to increase simplicity of finding information and reduce duplication of definitions and some regulations. A few definitions have been added for clarification; and a few definitions were modified to become consistent with current definition requirements.

There is new language in the ordinance that should be reviewed. The first major change is the addition of mercury, cBOD (carbonaceous biological oxygen demand), and TSS (total suspended solids) limits. The mercury limit was added due to more stringent limits being placed upon the Brownsburg Community. The cBOD and TSS limits were determined to be needed due to the fact that the monthly influent loading of cBOD and TSS to the municipal treatment plant is exceeding 80% of the capacity criteria that EPA (Environmental Protection Agency) has set for justification of pollutant limits. The cBOD and TSS limits were determined using the EPA local limit calculation and current plant information.

The second major change is the addition of industrial pretreatment language to provide Brownsburg the authority as necessary to operate a pretreatment program as required by IDEM (Indiana Department of Environmental Management). The language that has been proposed is common language that is incorporated into ordinances by communities that are required to complete the functions of a pretreatment program. There has been a pretreatment program guidance manual developed for staff to utilize. This manual includes the pretreatment enforcement response plan that IDEM has required. IDEM has reviewed and approved the enforcement response plan.

The third major change is the addition of a trucked/hailed waste section. This provides Brownsburg residents/visitors with an opportunity to dispose of sewage from vehicles such as campers properly. The option to accept the waste is still made by town staff on the basis of parameters such as plant operation and weather for example. There have been discharge fees added for the disposal of this type of waste. The pretreatment guidance manual includes an operating procedure for acceptance of this waste.

Kathy Dillon  
Superintendent WWTP

Ordinance No. 2011-06  
Brownsburg, Indiana  
March 3, 2011

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BROWNSBURG, INDIANA AMENDING CERTAIN PROVISIONS OF TITLE V OF THE TOWN OF BROWNSBURG CODE OF ORDINANCES REGARDING SEWERS & SEWER RATES**

**WHEREAS**, the Town of Brownsburg (the "Town") has previously established regulations for Sewers & Sewer Rates, as set forth in Title V, Chapter 52 and Chapter 53 of the Code of Ordinances of the Town of Brownsburg, Indiana; and

**WHEREAS**, it is the desire of the Town Council (the "Council") to amend Title V, Chapter 52 and Chapter 53 of the Code of Ordinances of the Town of Brownsburg, Indiana; and

**WHEREAS**, the Indiana Department of Environmental Management ("IDEM") has reviewed the proposed Sewer Use Ordinance ("SUO") and Enforcement Response Plan ("ERP") in accordance with Part III of NPDES permit number IN0021245 for the Brownsburg POTW and has approved the revisions pursuant to Exhibit "B"; and

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Brownsburg, Hendricks County, Indiana that Title V, Chapter 52, of the Brownsburg Town Code is hereby amended in its entirety to read as stated in Exhibit "A".

**BE IT FURTHER ORDAINED** that Title V, Chapter 53, Sewer Rates, is hereby repealed in its entirety.

**BE IT FURTHER ORDAINED** that all prior Ordinances or parts thereof inconsistent with any provisions of this Ordinance are hereby repealed.

**BE IT FURTHER ORDAINED** that this Ordinance shall be in full force and effect immediately upon passage and remain in effect thereafter until amended or repealed by the Town Council and to the extent it conflicts with any other Ordinances, this Ordinance shall supersede and be controlling.

This Ordinance is hereby passed by the Town Council for the Town of Brownsburg, Indiana on this \_\_\_\_\_ date of \_\_\_\_\_, 2011.

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, Town Council President

ATTEST:

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Jeanette M. Brickler, Clerk-Treasurer

## EXHIBIT A

### CHAPTER 52: SEWERS

#### GENERAL PROVISIONS

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- § 52.79 APPEALS
- § 52.80 SEWER TREATMENT PLANT AVAILABILITY FEE
- § 52.81 RESERVED
- § 52.82 RESERVED
- § 52.83 TRUCKED OR HAULED POLLUTANT DISCHARGE FEES

PENALTY

- § 52.99 PENALTY

## GENERAL PROVISIONS

### § 52.01 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, 33 USC 1251 *et seq.*

**AMMONIA-NITROGEN.** Dissolved ammonia including  $\text{NH}_{3(\text{aq})}$  and  $\text{NH}_4^+$ , usually expressed as  $\text{NH}_3\text{-N}$ .

**BIOCHEMICAL OXYGEN DEMAND or BOD.** The quantity of oxygen expressed in milligrams per liter (mg/l) utilized in the biochemical oxidation of organic matter under standard laboratory procedures with nitrification inhibition in five (5) days at twenty degrees (20°) C.

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three (3) feet outside the building wall.

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

(2) **STORM BUILDING DRAIN.** A building drain which conveys storm water or other clear-water drainage, but no wastewater.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal. Also called "house connection."

(1) **SANITARY BUILDING SEWER.** A building sewer which conveys sanitary or industrial sewage only.

(2) **STORM BUILDING SEWER.** A building sewer which conveys storm water or other clear-water drainage, but not sanitary or industrial sewage.

**CATEGORICAL STANDARDS.** National Categorical Pretreatment Standards or Pretreatment Standards.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm water or surface water.

**COMPATIBLE POLLUTANT.** Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria, plus additional pollutants identified in the NPDES permit if the treatment works was designed to treat those pollutants, and in fact does remove the pollutants to a substantial degree. "Substantial degree" is not subject to precise definition, but generally

contemplates removals in the order of eighty percent (80%) or greater. Minor incidental removals in the order of ten percent (10%) to thirty percent (30%) are not considered substantial. Examples of the additional pollutants which may be considered compatible include the following:

- (1) Chemical oxygen demand.
- (2) Total organic carbon.
- (3) Phosphorus and phosphorus compounds.
- (4) Nitrogen and nitrogen compounds.
- (5) Fats, oils and greases of animal or vegetable origin (except as prohibited where these materials would interfere with the operation of the treatment works).

**COMPOSITE SAMPLE.** A composite sample should contain a minimum of four (4) discrete samples taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period. More than the minimum number of discrete samples will be required where the wastewater loading is highly variable.

**CONTROL AUTHORITY.** Unless otherwise stated directly, means the Town of Brownsburg.

**DILUTION.** The purposeful act of adding water, other liquids and/or substances to the waste stream to dilute the true characteristics of the wastewater discharge.

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the waters of the state.

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

**ENVIRONMENTAL PROTECTION AGENCY or EPA or USEPA.** The U.S. Environmental Protection Agency.

**FECAL COLIFORM.** Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

**FLOATABLE OIL.** Oil, fat or grease in a physical state, such that it will separate by gravity from wastewater by treatment in a pretreatment facility approved by the Town.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**GARBAGE, PROPERLY SHREDDED.** The wastes from the preparation, cooking and dispensing of food that has been shredded to a degree that all particles will be carried freely

under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (½) inch in any dimension.

**HAULED OR TRUCKED POLLUTANTS.** Wastes, including Holding Tank Waste, that is trucked or hauled from any location prior to discharge to the POTW treatment plant, collection system, or by any other conveyance.

(1) **COMMERCIAL WASTE HAULER.** Shall include any waste hauler that operates either for profit by hauling waste, or any entity that operates for profit and generates waste that requires said waste to be hauled for disposal.

(2) **NON-COMMERCIAL WASTE HAULER.** Shall include any private or not-for-profit entity that hauls domestic sewage waste. Examples of such entities include campers, trailers, or Recreational Vehicles (RVs) that are not operated for public use.

**HOLDING TANK WASTE.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, 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 the introduction of non-domestic pollutants from any source regulated under § 307(b) or (c) of the Act (33 USC 1317), into the POTW (including holding tank waste discharged into the system), regardless of whether the discharger is within the governmental jurisdiction of the permittee.

**INDUSTRIAL USER.** A source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to § 402 of the Act (33 USC 1342). Any user who contributes only domestic wastewater is not an industrial user.

**INDUSTRIAL WASTES.** The liquid wastes from industrial manufacturing processes, trade or business as distinct from employee waste or wastes from sanitary conveniences.

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

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

**INFLOW.** The water discharged into a sewer system, including building drains and sewers, from sources such as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, non-contact cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, storm waters, surface runoff, street wash waters or drainage. Inflow does not include, and is distinguished from, infiltration.

**INSPECTOR.** The person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

**INTERFERENCE.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one (1) of the following:

- (1) Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
- (2) Causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.
- (3) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent state or local regulations:

(a) Section 405 of the Clean Water Act (33 U.S.C. 1345).

(b) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including: (1) Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and (2) the rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).

(c) The Clean Air Act (42 U.S.C. 7401).

(d) The Toxic Substances Control Act (15 U.S.C. 2601).

**MAJOR CONTRIBUTING INDUSTRY.** An industry that:

- (1) Has a flow of twenty-five thousand (25,000) gallons or more per average workday;
- (2) Has a flow greater than five percent (5%) of the flow carried by the municipal system receiving the waste;
- (3) Has in its waste a toxic pollutant in toxic amounts as defined in standards issued under § 307(a) of the Act, 33 USC 1317(a); or
- (4) Has a significant impact, either singly or in combination with other contributing Industries, on the POTW, the quality of effluent (or sludge) from the POTW, or the air emissions generated by the POTW.

**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.

**NATIONAL CATEGORICAL PRE-TREATMENT STANDARDS** or **PRETREATMENT STANDARDS**. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with § 307(b) and (c) of the Act (33 USC 1347), which applies to a specific category of industrial users.

**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM PERMIT** or **NPDES PERMIT**. A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the waters of the United States pursuant to § 402 of the Act (33 USC 1342), or Pub. L. 92-500.

**NATURAL OUTLET**. Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

**NORMAL DOMESTIC SEWAGE**. For the purpose of determining surcharges, this is wastewater or sewage having an average daily concentration as follows:

- (1) BOD not more than two hundred (200) milligrams per liter.
- (2) Suspended Solids not more than two hundred (200) milligrams per liter.
- (3) Ammonia-nitrogen not more than fifteen (15) milligrams per liter.

**NOTICE OF VIOLATION** - Shall include any official, written Notice from the Town or an appointed representative providing notification of deficiency or violation of one or more of a Town Ordinance.

**pH**. The reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution.

**PASS-THROUGH (DISCHARGE)**. A discharge from one (1) source that exits the POTW into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, are a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON**. Any individual, firm, company, association, society, corporation, group or other entity.

**POLLUTANT**. Any dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rocks, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

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

**PRETREATMENT**. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature and pollutant properties of wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing the pollutants into a POTW.

**PRETREATMENT REQUIREMENTS.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on the industrial user, including applicable local limits.

**PRETREATMENT STANDARDS.** A Pretreatment Standard includes any of the following:

- (1) State pretreatment standards as established in 327 IAC 5-18-8;
- (2) Pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2;
- (3) National categorical pretreatment standards incorporated by reference in 327 IAC 5-18-10.

**PRIVATE SEWER.** A sewer which is not owned by a public authority.

**PUBLICLY OWNED TREATMENT WORKS or POTW.** A treatment works as defined in § 212 of the Act (33 USC 1292), which is owned in this instance by the Town. This definition includes any sewers, pipes, and other conveyances that convey wastewater to the POTW from person outside the Town who are, by contract or agreement with the Town, users of the Town's POTW; any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or compatible industrial wastes. POTW also means the municipality that has jurisdiction over the indirect discharges to and the discharges from such treatment works.

**PUBLIC SEWER.** A sewer which is owned and controlled by the public authority and will consist of the following increments:

- (1) **COLLECTOR SEWER.** A sewer whose primary purpose is to collect wastewaters from individual point-source discharges.
- (2) **FORCE MAIN.** A pipe in which wastewater is carried under pressure.
- (3) **INTERCEPTOR SEWER.** A sewer whose primary purpose is to transport wastewater from collector sewers to a treatment facility.
- (4) **PUMPING STATION.** A station positioned in the public sewer system at which wastewater is pumped to a higher level.

**SANITARY SEWER.** A sewer which carries sanitary and industrial wastes, and to which storm water, surface water and ground water are not intentionally admitted.

**SEWAGE.** The combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, including polluted cooling water. The three (3) most common types of sewage are:

(1) **COMBINED SEWAGE.** Wastes including sanitary sewage, industrial sewage, storm water, infiltration and inflow carried to the wastewater treatment facilities by a combined sewer;

(2) **INDUSTRIAL SEWAGE.** A combination of liquid and water-carried wastes, discharged from any industrial establishment, and resulting from any trade or process carried on in that establishment (this includes the wastes from pretreatment facilities and polluted cooling water);

(3) **SANITARY SEWAGE.** The combination of liquid and other water-carried wastes discharged from toilet sanitary plumbing facilities.

**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 for carrying sewage.

**SIGNIFICANT INDUSTRIAL USER or SIU.**

(1) Industrial users subject to categorical pretreatment standards under 327 IAC 5-18-10.

(2) An industrial user that:

(a) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the POTW;

(b) Contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as a significant industrial user by the Control Authority or Town of Brownsburg on the basis that the industrial user has a reasonable potential to:

(1) adversely affect the POTW's operation; (2) violate a pretreatment standard; or (3) violate a requirement of 327 IAC 5-19-3.

(3) The Control Authority may, on its own initiative or in response to a petition received from an industrial user or a POTW and in accordance with 327 IAC 5-19-3(6), determine that an industrial user is not a significant user if it does not meet Part (2.c) above.

**SIGNIFICANT NONCOMPLIANCE.**

Instances of significant noncompliance are defined as follows:

The status of an industrial user that has caused or allowed a violation that meets one (1) or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent (66%) or more of all of the measurements taken during a six (6) month period

exceed, by any magnitude, the daily maximum limit or the average limit for the same pollutant parameter.

- (2) Technical review criteria (TRC) violations, defined as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC equals one and four-tenths (1.4) for biochemical oxygen demand, total suspended solids, fats, oil, and grease and one and two-tenths (1.2) for all other pollutants except pH).
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Town determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 327 IAC 5-19-3(1)(G) to halt or prevent such a discharge.
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- (6) Failure to provide, within thirty (30) days after the due date, required reports such as:
  - (A) Baseline monitoring reports;
  - (B) Ninety (90) day compliance reports;
  - (C) Periodic self-monitoring reports; and
  - (D) Reports on compliance with compliance schedules.
- (7) Failure to accurately report noncompliance.
- (8) Any other violation or group of violations that the Town determines will adversely affect the operation or implementation of the approved POTW pretreatment program.

**SLUG.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

**STANDARD INDUSTRIAL CLASSIFICATION or SIC.** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

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

**STATE.** The State of Indiana.

**STORM SEWER.** A sewer for conveying water, groundwater or unpolluted water from any source, and to which sanitary and/or industrial wastes are not intentionally admitted.

**STORMWATER.** Water resulting from rain, melting or melted snow, hail or sleet.

**SUPERINTENDENT.** The Superintendent of the Municipal Sewage Works of the Town, or his authorized deputy, agent or representative.

**SUSPENDED SOLIDS.** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering under standard laboratory procedure.

**TOTAL SOLIDS.** The sum of suspended and dissolved solids.

**TOXIC AMOUNT.** Concentrations of any pollutant or combination of pollutants which, upon exposure to or assimilation into any organism, will cause adverse effects such as cancer, genetic mutations and physiological manifestations, as defined in standards issued pursuant to § 307(a) of the Act, 33 USC 1317(a).

**TOXIC POLLUTANT.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provisions of § 307(a) of the Act, 33 USC 1317(a), or that has a deleterious impact on the operation of the POTW.

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

**USER.** Any person who contributes or causes or permits the contribution of wastewater into the POTW.

**VOLATILE ORGANIC MATTER.** The material in sewage solids transformed to gases or vapors when heated to fifty-five degrees (55°) C for fifteen (15) to twenty (20) minutes.

**WASTEWATER.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**WATERCOURSE.** A natural or artificial channel for the passage of water, either continuously or intermittently.

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

## **§ 52.02 PROPER WASTE DISPOSAL REQUIRED.**

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

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, storm waters, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water. The Town shall require the removal of unpolluted waters from any wastewater collection or treatment facility if the removal is cost effective and is in the best interest of all users of those facilities.

(C) Storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use the sewers, however, without the specific permission of the Town. No new connection shall be made to any sanitary combined or storm sewer unless there is capacity available in all downstream sewers, lift stations, force mains and the sewage treatment plant, including capacity for BOD and suspended solids.

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

(E) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and the NPDES permit.

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

(G) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Town and abutting any street, alley or right-of-way in which there is located a public sanitary or combined sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within sixty (60) days after official notice to do so, provided that the public sewer is within three hundred (300) feet of the property line.

(H) Any and all developers, builders, contractors, subcontractors, plumbing contractors, or property owners who complete or provide for the future connections of any unpolluted waters to the sanitary system shall be guilty of a misdemeanor.

[Penalty, see § 52.99](#)

### **§ 52.03 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary or combined sewer is not available under the provisions of § 52.02(G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

(B) Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. A permit and inspection fee of one hundred dollars (\$100) shall be paid to the Town at the time the application is filed.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Superintendent.

(D) The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than twenty thousand (20,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) When a public sewer becomes available to a property served by a private sewage disposal system as provided in division (D) of this section, a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

(G) When a public sewer becomes available, the building sewer shall be connected to the sewer within sixty (60) days, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(H) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

#### **§ 52.04 STATE AND FEDERAL REQUIREMENTS.**

All provisions of this chapter and limits set out in this chapter shall comply with any applicable state and/or federal requirements in effect as of the effective date of this chapter or projected to be in effect.

#### **§ 52.05 VANDALISM TO TREATMENT WORKS.**

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

[Penalty, see § 52.99](#)

## **BUILDING SEWERS AND CONNECTIONS**

### **§ 52.15 PERMIT REQUIRED.**

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

(B) There shall be two (2) classes of building sewer permits:

- (1) For residential and commercial service.
- (2) For service to establishments producing industrial wastes.

In either case, the owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the inspector. A permit and inspection fee of fifty dollars (\$50) or a residential or commercial building sewer permit shall be paid to the Clerk-Treasurer at the time the application is filed.

### **§ 52.16 BUILDING SEWER RESPONSIBILITY.**

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

The requirements, specifications and town permit shall in no way replace any existing or proposed Federal, State or local regulatory agency's regulations or permits, requirements, guidelines, or specifications, except in the case where such requirements or specifications of the Town of Brownsburg are more stringent. [Penalty, see § 52.99](#)

### **§ 52.17 SPECIFICATIONS.**

(A) A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer.

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

(C) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. FD-5* shall apply.

[Penalty, see § 52.99](#)

### **§ 52.18 CONNECTION.**

(A) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

(B) No person shall make connection of roof down spouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or a building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(C) The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Town or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice No. FD-5*. All connections shall be made gas-tight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

(D) The applicant for the building sewer permit shall notify the inspector when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representatives.

(E) Within the municipal limits or within 10 (ten) miles of its corporate boundaries, the Town of Brownsburg has the authority to require sewer connections to the Town's sewer system of any structures that discharge wastewater and that have an available sewer line within 300' (feet) of the property line.

[Penalty, see § 52.99](#)

### **§ 52.19 EXCAVATION WORK.**

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

[Penalty, see § 52.99](#)

## LIMITS AND PROHIBITIONS

### § 52.25 LOCAL LIMITS ON DISCHARGES TO THE POTW.

The Town and specifically, the WWTP Superintendent shall have the legal authority to develop and enforce specific limits on prohibited substances as defined herein and as needed.

(A) The following values are daily maximum limits in effect at the point of connection with the collection system. At no time may these limitations be exceeded without prior authorization in writing from the Superintendent of the Town POTW. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to or in place of the concentration-based limitations below. In cases where a facility is subject to more than one limit for a specific parameter (i.e. federal categorical standards and local limits), the more stringent limit applies.

<i>Parameter</i>	<i>Daily Maximum Limit (mg/l)</i>	<i>Limiting Criteria</i>
Cadmium	0.07	Technology-based Limit
Chromium	1.71	Technology-based Limit
Copper	0.75	NPDES Monthly Limit
Cyanide	0.02	Limit of Quantization
Lead	0.22	NPDES Monthly Limit
Mercury	0.000020	NPDES Daily Limit
Nickel	1.58	NPDES Monthly Limit
Silver	0.56	NPDES Monthly Limit
Zinc	1.48	Technology-based Limit

(B) The following are the applicable Compatible Pollutant discharge limits for substances that are compatible with the treatment processes of the POTW but that could, when discharged in excessive amounts, cause excessive treatment costs (surcharge discharge limits) or limit the effectiveness of the POTW (prohibited discharge limits). The following values are daily

maximum limits in effect at the point of connection with the collection system. At no time may the prohibited discharge limitations be exceeded without prior authorization in writing from the Superintendent of the Town POTW. Discharges found in excess of the surcharge discharge limit concentrations shall be subject to Surcharge Fees as outlined in Section 52.71.C of this Chapter. In cases where a facility is subject to more than one limit for a specific parameter (i.e. federal categorical standards and local limits), the more stringent limit applies.

<b>Surcharge Discharge Limits</b>		
<i>Parameter</i>	<i>Daily Maximum Limit (mg/l)</i>	<i>Limiting Criteria</i>
cBOD <sub>5</sub>	200	WWTP Average Design Capacity
TSS	200	WWTP Average Design Capacity
NH <sub>3</sub> -N	15	WWTP Average Design Capacity
<b>Prohibited Discharge Limits</b>		
<i>Parameter</i>	<i>Daily Maximum Limit (mg/l)</i>	<i>Limiting Criteria</i>
cBOD <sub>5</sub>	1,126	NPDES Monthly Limit
TSS	1,632	NPDES Monthly Limit

## § 52.26 PROHIBITED DISCHARGE STANDARDS.

(A) *General prohibitions.* No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes, or could potentially cause, pass through or interference with the operation or performance of the POTW. 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 into the POTW the following pollutants, substances or wastewater:

- (1) Any substances or pollutants which by reason of their nature or quantity create a fire or explosive hazard to the POTW or to the operation of the POTW, including but not limited to; wastestreams with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive

readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading be over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Examples of these pollutants include, but are not limited to; gasoline, benzene, naphtha, fuel oil, kerosene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides or other flammable or explosive liquid, solid, or gas which the Town or the Control Authority has notified the user is a fire or explosion hazard to the POTW.

(2) Wastewater having a pH less than 5.5 or more than 9.5, or otherwise causing corrosive structural damage to the POTW or equipment; damage or hazards to the personnel of the POTW; or interference with any treatment process.

(3) Solid or viscous substances in an amount which could cause obstruction of the flow in the POTW resulting in interference with the operation of the POTW. Examples of such instances include but are not limited to Fats, Oils, and Greases (FOG), ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, un-ground garbage, whole blood, paunch manure, hair and fleshings, entrails, paper, dishes, cups, milk containers, and aluminum cans.

(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 in the POTW.

(5) Wastewater having a temperature greater than 140° F (60° C), or which will inhibit biological activity in the POTW treatment plant resulting in interference or damage, 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:

(a) With the written permission of the POTW via an authorized agent;

(b) At discharge points designated by the Superintendent; and,

(c) In accordance with Sections 52.50 & 52.51 of this Chapter.

(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 Town's NPDES permit.

(11) Any wastewater containing radioactive wastes or isotopes of a half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.

(12) Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Superintendent.

(13) Sludges, screening, or other residues from the pretreatment of industrial wastes.

(14) Medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.

(15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(16) Any wastes containing detergents, surface-active agents (surfactants), or other substances which may cause excessive foaming in the POTW or receiving stream.

(17) Any water or waste containing animal/vegetable based oil and grease, whether emulsified or not, in excess of one hundred (100) mg/l. Any exceeding of this surcharge limit may be penalized in accordance with conditions set forth in § [52.31\(A\)\(5\)](#). The Town may also recover costs associated with problems in the collection system and/or POTW resulting from the discharge.

(18) Wastewater, along or in conjunction with other sources, containing molybdenum in amounts that restrict the Town from disposing of the treatment plant's sludge by any of the selected methods of disposal.

(19) Wastewater, alone or in conjunction with other sources, containing mercury in amounts that result in the POTW violating any portion of its NPDES permit.

(20) Any waters or wastes containing phenols or other taste-producing or odor-producing substances, in concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction of discharge to the receiving waters.

(21) Unusual concentrations of inert suspended solids, such as, but not limited to fuller's earth, lime slurries and lime residues; or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

(22) Unusual volume of flow or concentration of wastes constituting "slug" as defined in § [52.01](#).

(23) Any waters or wastes which may cause any other products of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation, and reuse or to interfere with the reclamation process.

(24) Any water or wastes containing pollutants that result in the presence of toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

(25) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to a degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

(26) Food waste disposal, including through in-sink grinders of sink disposal units except when the use of such meets compliance with the compatible pollutant limits set forth in this Chapter.

(27) No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the federal categorical pretreatment regulations or with any other pretreatment standard set by the Control Authority or specified within this Chapter.

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

## **INDUSTRIAL WASTE**

### **§ 52.30 DISCHARGE PROHIBITIONS.**

(A) *General prohibitions.* No person shall discharge or cause to discharge into the POTW any pollutant or wastewater that causes pass-through or interference; including, but not limited to the Local Limits and Prohibited Discharge Standards contained within this Chapter, State or Federal prohibitions and standards, or other applicable laws..

(B) *Processing and Storage of Wastes.* Pollutants, substances or wastewater prohibited by this Chapter must not be processed, diluted, or stored in such a manner that they could be discharged to the POTW.

### **§ 52.31 ACTION BY TOWN.**

(A) If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in § [52.30](#), and which in the judgment of the Superintendent may effect treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may do any of the following:

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

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

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

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

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

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

(C) If any user discharges waste causing the Town of Brownsburg to utilize sewer cleaning equipment, purchase chemicals, hardware or other materials for the purpose of cleaning to remove the grease or other obstructions from sewer lines, lift stations or wet wells, the Town shall maintain the right to assess the user for the cost of said materials and services.

(D) The Town reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the POTW if deemed necessary.

### **§ 52.32 PREVENTION OF ACCIDENTAL DISCHARGE.**

Each industrial user shall provide protection from accidental discharge, prohibited materials, slug loads, or other regulated substances. Detailed plans and operating procedures for facilities are provided, and shall be maintained continuously in satisfactory and effective operating order

by the owner at his expense, and shall be subject to periodic inspection by the Town to determine if the facilities are being operated and maintained in conformance with applicable federal, state and local laws and permits. All existing industrial users who have filed a contingency plan in compliance with the Resource Conservation and Recovery Act shall file a copy of that plan with the Town within ninety (90) days of the adoption of this chapter. No industrial user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge prevention facilities and procedures have been submitted to the Town. Submittal and review of the plans and operating procedures shall not relieve the industrial user from the responsibility to modify the facilities and procedures as necessary to comply with federal, state and local laws and permits.

### **§ 52.33 CONTROL MANHOLE.**

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole, together with any necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes at the owner's expense. The manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained so as to be safe and accessible at all times. Agents of the Town, the state water pollution control agencies, and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing.

If a control manhole does not exist on-site or is not feasible to install, an internal drainage point can be used upon permission of the Superintendent. If neither a private control manhole nor an internal discharge point is practical as the monitoring location or causes an undue hardship on the user, the Superintendent may allow the monitoring facility to be constructed in the public street or sidewalk area and be located so that it will not be obstructed by landscaping or parked vehicles. Ample room must be provided to allow accurate sampling and the compositing of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the owner's expense.

Wastewater shall not be diverted because of changes in plumbing or internal processing from the designated sampling location without prior notice and approval of the Superintendent.

### **§ 52.34 MEASUREMENTS, TESTS AND ANALYSES.**

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater* and shall be determined at the control manhole provided, or upon suitable samples taken at the control manhole, except for applications for NPDES permits and reports thereof which shall be conducted in accordance with rules and regulations adopted by the USEPA (40 CFR 136). In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling

shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four-hour (24-hour) composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analysis are obtained from twenty-four-hour (24-hour) composites determined from periodic grab samples.

All discharges subject to local, state, or federal regulations must retain and preserve for at least three (3) years, any records, books, documents, memoranda, reports, correspondence, and any and all summaries relating to monitoring, sampling, and chemical analyses made by or on behalf of a discharger in connection with its discharge.

Any required monitoring activities, supplies, laboratory costs (whether in-house or by a contract laboratory) that must be utilized or performed by the Town, will be charged to the user. Any tests or services utilized from a contract laboratory will be charged at the laboratory's rates.

[Penalty, see § 52.99](#)

### **§ 52.35 SPECIAL ARRANGEMENTS.**

No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment thereof by the industrial concern at rates as are compatible with the rate ordinance. Special Arrangement Agreements may be made based upon an allocation of the WWTP design capacity for a compatible pollutant and may be subject to Surcharge Fees based upon the allocated waste strength or the actual waste strength, whichever is greater.

### **§ 52.36 INDUSTRIAL WASTE PRETREATMENT.**

(A) Pretreatment of industrial wastes from major contributing industries prior to discharge to the treatment works is required and is subject to the rules and regulations adopted by the U.S. Environmental Protection Agency (40 CFR 403), and *Guidelines Establishing Test Procedures for Analysis of Pollutants* (40 CFR 136), in addition to any more stringent requirements established by the Town and any subsequent state or federal guidelines and rules and regulations.

(B) Whenever deemed necessary as determined in the discretion of the Town and/or the Superintendent, the Superintendent may require users to restrict their discharge during peak flow periods, designate that certain wastewaters 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.

(C) No user shall 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

the limitations contained in the federal categorical pretreatment standards, or in any other pollutant-specific limitation established by the Town.

(D) Any user discharging to the POTW greater than twenty-five thousand (25,000) gallons per day of process wastewater or greater than (5%) of the average daily flow in the POTW, whichever is lesser, may be required to install and maintain, on the user's property and at the user's expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. Said facility shall have a capacity for at least twenty percent (20%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Superintendent. A discharge permit may be issued to any user solely for flow equalization.

(E) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(F) Industrial users shall provide and maintain in safe and proper condition, on their own property and of their own expense, facilities to allow authorized representatives of the POTW or Control Authority to inspect, sample, or measure discharges subject to regulation pursuant to this ordinance. Such facilities shall have ample space to allow accurate sampling and preparation of samples for analysis.

(G) Consistent noncompliance with applicable pretreatment standards and requirements may be the basis for the Town determining that a user is not a responsible party for the purpose of rejecting the user's bid for the sale of goods or services to the Town of Brownsburg [Penalty, see § 52.99](#)

### **§ 52.37 PRETREATMENT FACILITY.**

Plans, specifications and any other pertinent information relating to pretreatment or control facilities shall be submitted for approval of the Town, and no construction of facilities shall be commenced until approval in writing is granted. Where facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense, and shall be subject to periodic inspection by the Town to determine that the facilities are being operated in conformance with applicable federal, state and local laws and permits. The owner shall maintain operating records and shall submit to the Town a monthly summary report of the character of the influent and effluent to show the performance of the treatment facilities and for comparison against Town monitoring records. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to the Superintendent, and all state and federal agencies having regulatory authority.

[Penalty, see § 52.99](#)

### **§ 52.38 UNPOLLUTED WATER; COOLING WATER.**

(A) *Unpolluted water.* Unpolluted waters from air-conditioners, cooling, condensing systems or swimming pools shall be discharged to a storm sewer, where it is available, or to a

combined sewer approved by the Town. Where a storm sewer is not available, discharge may be to a natural outlet approved by the Town and by the state. Where a storm sewer, combined sewer or natural sewer is not available, unpolluted water may be discharged to a sanitary sewer pending written approval by the Town.

(B) *Industrial cooling water.* Industrial cooling water, which may be polluted with insoluble oils or grease or suspended solids, shall be pretreated for removal of pollutants, and the resultant clear water shall be discharged to the sanitary sewer.

[Penalty, see § 52.99](#)

### **§ 52.39 DISCHARGE CHARACTERISTIC REPORTS.**

(A) The Town may require users of the treatment works, other than residential users, to supply pertinent information on wastewater flows and characteristics. All measurements, tests and analyses shall be made at the user's expense. If made by the Town, an appropriate charge may be assessed to the user at the option of the Town.

(B) The POTW may require the completion of a Non-Domestic Sewer Use Survey for any and all non-domestic users. When requested, any user of the POTW shall completely and accurately complete the survey and shall be subject to inspection and or a request for more information at the request of the Superintendent. Non-domestic Sewer Use Surveys may be requested for more than one discharge location (i.e. Users with more than one facility or waste stream) and may be requested as needed to comply with the requirements of the Control Authority. Failure to adequately or timely respond to a survey may result in Formal Action as described in this Chapter.

### **§ 52.40 DETERMINATION OF WASTEWATER STRENGTH.**

The strength of wastewaters shall be determined, for periodic establishment of charges provided for in Section 52.73, from samples taken at the structure mentioned in this chapter at any period of time and of a duration and in a manner as the Town may elect, or, at any place mutually agreed upon between the user and the Town. Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used for determination of charges after verification by the Town.

### **§ 52.41 GREASE, OIL AND SAND INTERCEPTORS.**

(A) Grease, oil and sand interceptors or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients, except that interceptors or traps will not be required for private living quarters or dwelling units. All interceptors or traps shall be of a type and capacity approved by the Town and shall be located so as to be readily and easily accessible for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial

construction, be gas-tight, water-tight and equipped with easily removable covers. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(B) Facilities required by the Town to maintain such interceptors shall create and maintain a schedule of cleaning and maintenance for the interceptors. Receipts of such cleaning activities shall be kept on file at the location of the interceptor and shall be made available to an authorized agent of the POTW upon demand.

(C) Under no circumstances shall grease trap wastes be decanted into the POTW; via grease trap cleaning operations, or by other methods.

(D) Upon inspection by an authorized agent of the POTW, should deficient conditions with regard to the state of the interceptor or the management practices used in the operation or maintenance of the interceptor, the POTW may require:

- (1) Additional cleaning or inspections;
- (2) An increase in the frequency of cleanings on the user's schedule of cleaning;
- (3) Initiation of Formal Action as outlined in this Chapter.

[Penalty, see § 52.99](#)

## **§ 52.42 ACCIDENTAL DISCHARGES; NOTICES.**

(A) It is the responsibility of the user to immediately telephone and notify the POTW of any unusual or accidental flows or waste discharges. The notification shall include location of the discharge, type of waste, concentration and volume, the causes of the discharge, duration, including time and dates of non-compliance, and corrective actions.

(B) Within five (5) days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and measures to be taken by the user to prevent similar future occurrences. The 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, fish kills or any other damage to person or property; nor shall notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this chapter or other applicable law.

(C) Industrial users shall permanently post in a prominent place a notice advising employees whom to call in the event of an accidental discharge. Employers shall insure that all employees who may cause or suffer an accidental discharge to occur are advised of the emergency notification procedure.

[Penalty, see § 52.99](#)

## **§ 52.43 CONFIDENTIAL INFORMATION**

(A) Information and data (other than effluent data) about a User obtained from reports, questionnaires, surveys, permit applications, permits, monitoring programs and inspections shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection of trade secrets of the user. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction.

(B) When the person furnishing a report satisfies the POTW that such person has made the demonstration required, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection except by governmental agencies for uses related to this ordinance, the NPDES permit or the pretreatment program. Confidential portions of a report shall be available for the Control Authority in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater characteristics and constituents and other effluent data as defined federal or state regulation will not be recognized as confidential information and will be made available to the public without restriction.

## **§ 52.44 DAMAGE TO FACILITIES**

When a discharge of wastes causes an obstruction, damage, or any other impairment to the Town facilities, the Town may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees.

## **§ 52.45 FALSIFYING INFORMATION**

Any person who knowingly makes any false statement, representation, or certification in any application, report, or other document required by this Ordinance or other applicable regulations, or who tampers with or knowingly renders inaccurate any monitoring device, will, upon conviction, be punished by the imposition of civil penalties as required by the local and/or state statutes.

## **TRUCKED OR HAULED POLLUTANTS**

### **§ 52.50 PROHIBITIONS.**

(A) Under no circumstances shall any waste, solid or liquid, be introduced into the POTW that violates the Sections 52.26 or 52.30 or exceed local limits as established in Section 52.25 of this Chapter.

(B) Commercial Waste Haulers, whether operating for profit or not-for-profit clients shall not be permitted to discharge to the POTW nor to any conveyance that discharges to the POTW except as permitted under Section 52.51.

## **§ 52.51 PERMITTED DISCHARGES.**

(A) Permitted discharges of trucked or hauled pollutants shall require:

- (1) Written permission from the POTW to be kept on file at the POTW, and
- (2) Discharge to locations as permitted by the WWTP Superintendent.

(B) Permitted discharges may be subject to inspection and sampling and shall be conducted per the Town's Hauled Pollutant Acceptance Plan as approved by the WWTP Superintendent.

(C) Dischargers shall be held accountable to all discharge limitations and prohibitions applicable to other discharges under this Chapter.

(D) Commercial Waste Haulers shall be eligible for approval to discharge only when in accordance with the following:

(1) The contents of the vessel originated from the POTW's collection system or a pre-existing discharger to the POTW in the event that such hauling of the material is required to facilitate the maintenance, repair, or construction of the normal route of conveyance; or the materials contain only Domestic Sewage and originated within the POTW's operating jurisdiction (i.e. Portable public restrooms operated within the POTW's service area).

(2) Any discharge from a commercial vessel, regardless of origin, shall be sampled in a manner that is representative of the contents of the vessel. The sample shall be retained for a minimum of forty-eight (48) hours and shall be analyzed in the event that the POTW believes or has reason to believe that the hauled or trucked pollutant may be causing or contributing to pass-through or interfering with the operation of the POTW or that the substance may contain any substance in violation of the limitations and prohibitions contained within this Chapter.

(3) The Waste Hauler must possess a valid wastewater management permit number and vehicle license number and completely and accurately surrender any and all information requested by the POTW or shall be denied discharge.

(E) Non-Commercial Waste Haulers that are not subject to the requirement to possess a wastewater management permit from the Indiana Department of Environmental Management shall be exempted from sampling of contents and allowed to discharge to the POTW when in accordance with the following:

(1) The Owner of the vehicle or vessel certifies that the contents contain only domestic wastewater and can provide a list of any products used to treat, stabilize, and reduce the odor of the contents (if any).

(2) The Owner must possess a valid vehicle license number and completely and accurately surrender any and all information requested by the POTW or shall be denied discharge.

(F) Permitted Discharges may be subject to discharge fees in accordance with Section 52.83 of this Chapter.

## **§ 52.52 OPTIONAL APPROVALS.**

Temporary discharges of non-domestic wastewater to the sanitary sewer system are conditional and the intended discharger must first obtain written approval from the Superintendent before proceeding. Discharge fees will be assessed in accordance to the rate schedule established in this Ordinance.

## **ADMINISTRATION**

### **§ 52.55 INSPECTIONS.**

(A) The Superintendent, inspector and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. The Superintendent or his representative has no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties referred to in division (A) of this section, the Superintendent or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees, and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury and property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in [§ 52.34](#).

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

(D) It shall be unlawful to transfer title of any property, whether residential, commercial, industrial, or otherwise, prior to an inspection in order to insure compliance with Town ordinances regulating the proper disposal of both polluted and unpolluted water. The inspection shall be performed by the Town or its agent(s) at the request of the current owner(s) or his agent(s) at a cost stipulated in [Chapter 40, Appendix: Plan Commission Fees](#). Any property inspected within six (6) months of the date of closing shall be exempt from this requirement.

(E) Violations must be corrected and a re-inspection conducted to verify that the corrections have been made prior to the closing of the sale of the property. Failure to obtain the required inspection shall constitute an ordinance violation and may result in a notice of violation subject to the provisions of § [52.99](#).

(F) In the event of an emergency affecting public health and safety or environmental quality, inspections shall be made without the issuance of a search warrant.

(G) At the time of inspection, if violations are noticed, the Superintendent may issue a written notice of violation or request a compliance meeting with the responsible party of the facility. After the issuance of this notice, the user has 5 calendar days to correct the violation(s) or set a meeting time to address concerns at the facility. If the violation(s) requires construction or other actions that require additional time to correct, a compliance schedule will be considered by the Superintendent.

[Penalty, see § 52.99](#)

## **§ 52.56 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 Town designated to verify compliance with this chapter or other order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Brownsburg Municipal Court.

## **§ 52.57 CONFIDENTIAL INFORMATION.**

Information and data on a user obtained from reports, surveys, 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 the information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any 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 the information should be held confidential, the portions of a report that might disclose trade secrets or secret processes must not be made available for inspection by the public, but must be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings

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

### **§ 52.58 WATER SUPPLY SEVERANCE.**

Whenever a user has violated or continues to violate any provision of this chapter, or order issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated to the Superintendent its ability to comply.

### **§ 52.59 EMERGENCY SUSPENSIONS.**

The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever 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 Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, which threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment. 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 any steps 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.

### **§ 52.60 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 the County Court through the Town 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 any 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.

### **§ 52.61 ADMINISTRATIVE ENFORCEMENT REMEDIES**

(A) The Superintendent shall have the legal authority to issue Notice of Violations, Cease and Desist orders, establish Compliance Schedules, request Show Cause, and revoke permits as outlined in the written Enforcement Response Plan under approval by the Control Authority.

The Enforcement Response Plan shall detail Formal Action taken by the Town in the event of compliance issues including but not limited to those found within this Chapter.

(B) The Plan shall be made available upon request to any user of the POTW.

## **FEES & SURCHARGES**

### **§ 52.70 USER CLASSES.**

Every person whose premises are served by the sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works recovers, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the costs of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class.

(A) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency. Replacement costs, which are recovered through the system of user charges, shall be based upon the expected useful life of the sewage works equipment.

(B) The various classes of users of the treatment works, for the purposes of this chapter, are as follows:

- (1) Class I -- residential
- (2) Commercial
- (3) Governmental
- (4) Institutional
- (5) Industrial

### **§ 52.71 DETERMINATION OF RATES.**

For the use of and the services rendered by the sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sewage system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town. Rates and charges include user charges, debt service costs, excessive strength surcharges, outside Town surcharges and other service charges, which rates and charges shall be payable as provided in this chapter and shall be in an amount determinable as follows:

(A) *For the period beginning May 28, 2009 through October 31, 2010, inclusive.*

(1) *Metered water users.* The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water

meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

<i>User Charge</i>	<i>Debt Service</i>	Total
\$3.06	\$0.84	\$3.90 plus

(b) Base rate - per month, as follows:

Base Rate (water meter size in inches)	User Charge	Outside Town Surcharge	Total Base Rate	
			Inside Town	Outside Town
5/8 - 3/4	\$ 8.30	\$ 4.45	\$ 8.30	\$ 12.75
1	19.00	11.10	19.00	30.10
1 1/4	29.60	17.80	29.60	47.40
1 1/2	42.40	25.80	42.40	68.20
2	72.20	44.50	72.20	116.70
3	164.50	102.40	164.50	266.90
4	285.20	178.00	285.20	463.20
6	647.30	405.00	647.30	1,052.30
8	1,151.40	720.90	1,151.40	1,872.30

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which the rates and charges shall be determined is as follows:

	User Charge	Debt Service	Outside Town Surcharge	Total Monthly Rate	
				Inside Town	Outside Town
Residential: Single-family residence/unit	\$24.70	\$4.50	\$4.45	\$29.20	\$33.65

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates and surcharges to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(B) *For the period beginning November 1, 2010, and thereafter.*

(1) *Metered water users.* The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewage service, the water meters shall be read monthly and the users shall be billed each month (or period equaling a month). Users located outside of the corporate limits of the Town shall be subject to an additional surcharge as set forth below. The water usage schedule on which the amount of the rates and charges shall be determined is as follows for all users:

(a) Treatment rate per one thousand (1,000) gallons of usage per month:

User Charge	Debt Service	Total
\$3.31	\$0.88	\$4.19 plus

(b) Base rate per month, as follows:

Base Rate (water meter size in inches)	User Charge	Outside Town Surcharge	Total Base Rate	
			Inside Town	Outside Town
5/8 - 3/4	\$ 8.30	\$ 4.45	\$ 8.30	\$ 12.75
1	19.00	11.10	19.00	30.10
1 ¼	29.60	17.80	29.60	47.40
1 ½	42.40	25.80	42.40	68.20
Base Rate (water meter size in inches)	User Charge	Outside Town Surcharge	Total Base Rate	
			Inside Town	Outside Town

2	72.20	44.50	72.20	116.70
3	164.50	102.40	164.50	266.90
4	285.20	178.00	285.20	463.20
6	647.30	405.00	647.30	1,052.30
8	1,151.40	720.90	1,151.40	1,872.30

(2) *Unmetered water users.* For users of the sewage works that are unmetered water users or where accurate meter readings are not available, the monthly charge shall be determined as an average of single-family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which rates and charges shall be determined is as follows:

	User Charge	Debt Service	Outside Town Surcharge	Total Monthly Rate	
				Inside Town	Outside Town
Residential: Single-family residence/unit	\$26.10	\$4.70	\$4.45	\$30.80	\$35.25

Unmetered nonresidential single-family dwelling units shall be charged a rate to be determined by the Town on an individual basis by applying the above metered rates to estimated usage, meter size and user location.

(3) For the service rendered to the Town, the Town shall be subject to the same rates and charges hereinabove provided, or to charges and rates established in harmony therewith.

(4) In order to recover the cost of monitoring industrial wastes, the Town shall charge the user the actual cost of monitoring; but not less than twenty-five dollars (\$25) per sampling event. This charge will be reviewed on the same basis as all other rates and charges in this chapter.

(C) In order that the rates and charges may be justly and equitably adjusted to the service rendered to users, the Town shall base its charges not only on the volume, but also on strength and character of stronger- than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewage system, in such manner and by such method as the Town may deem practicable in the light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a sampling point, as defined in the sewer use ordinance, available to the Town at all times.

(1) Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of two hundred (200) milligrams per liter of fluid or suspended solids in excess of

two hundred (200) milligrams per liter of fluid. Additional charges for treating stronger-than-normal domestic waste shall be made on the following basis:

(a) Rate surcharge based upon suspended solids. There shall be an additional charge of forty-seven cents (\$0.47) per pound of suspended solids for suspended solids in excess of two hundred (200) milligrams per liter of fluid.

(b) Rate surcharge based upon BOD. There shall be an additional charge of forty-seven cents (\$0.47) per pound of biochemical oxygen demand for BOD received in excess of two hundred (200) milligrams per liter of fluid.

(2) The determination of suspended solids and five (5)-day biochemical oxygen demand contained in the waste shall be in accordance with the current edition of *Standard Methods for the Examination of Water, Sewage and Industrial Wastes*, as written by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.

## **§ 52.72 BASIS UPON WATER USE.**

The quantity of water discharged into the sewage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in a manner as the Town reasonably elects, and the sewage service shall be billed at the appropriate rates set out in this chapter; except, as is provided in this section, the Town may make proper allowances in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town as not having entered the sewage system.

(A) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rate or charge provided in this chapter, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determining of sewage discharge.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewage system, either directly or indirectly, is a user of water supplied by the water utility serving the Town, and in addition, is a user of water from another resource which is not measured by a water meter or is measured by a meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(C) In the event two (2) or more residential lots, parcels of real estate or buildings discharging sanitary sewage, water or other liquids into the Town's sewage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(D) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sewage system, either directly or indirectly, and uses water in excess of ten-thousand (10,000) gallons per month, and it can be shown to the satisfaction of the Town that a portion of the water as measured by the water meter or meters does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(E) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable.

#### **§ 52.73 RESERVED.**

#### **§ 52.74 BILLING.**

The rates and charges provided for in this chapter shall be prepared, billed and collected by the Town in the manner provided by law and ordinance.

(A) The rates and charges for all users shall be prepared and billed monthly.

(B) The rates and charges may be billed to the tenant or tenants occupying the properties served, unless otherwise requested in writing by the owner, but that billing shall in no way relieve the owner from liability in the event payment is not made as required in this chapter. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records of the Town for the purpose of determining whether bills have been paid by the tenant or tenants; provided, that the examination shall be made at the office at which the records are kept and during the hours that the office is open for business. Owners of properties which are occupied by tenants are liable for the charges which are incurred for that property and pursuant to state law, a sewage lien may be placed on such properties for these charges if unpaid, whether incurred by a tenant or the owner.

(C) As is provided by statute, all rates and charges not paid when due are delinquent and a penalty of ten percent (10%) of the amount of the rates or charges shall thereupon attach thereto.

#### **§ 52.75 RESERVED.**

#### **§ 52.76 BY-LAWS, REGULATIONS AND ENFORCEMENT.**

The Town shall make and enforce by-laws and regulations as are deemed necessary for the safe, economical and efficient management of the Town's sewage system, pumping stations and sewage treatment works, and for the regulation, collection, rebating and refunding of the rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

**§ 52.77 RESERVED.**

**§ 52.78 SPECIAL RATE CONTRACTS.**

The Council is further authorized to enter into special rate contracts with users of the sewage works where clearly definable costs to the sewage works can be determined, and the special rates are based on those costs.

**§ 52.79 APPEALS.**

The rules and regulations promulgated by the Town, after approval by the Town Council shall, among other things, provide for an appeal procedure whereby a user has the right to appeal decision of the administrator of the sewage system and user charge system to the Town Council, and that any decision concerning the sewage system or user charges of the Town Council may be appealed to the County Circuit Court under the appeal procedures provided for in the Indiana Administrative Adjudication Act.

**§ 52.80 SEWER TREATMENT PLANT AVAILABILITY FEE.**

(A) No connection to the Town's sewage works shall be allowed until payment of the sewer treatment plant availability fee has been made to the Town.

Water Meter Size	Availability Fee
5/8 inch meter	\$ 3,355
3/4 inch meter	\$ 4,700
1 inch meter	\$ 8,390
1-1/4 inch meter	\$ 13,420
1-1/2 inch meter	\$ 19,460
2 inch meter	\$ 33,550
3 inch meter	\$ 77,170
4 inch meter	\$ 134,200
6 inch meter	\$ 305,310
8 inch meter	\$ 543,510

(B) Sewer treatment plant availability fee is the charge to a user for a new or additional connection to the Town's sewage works system and is charged in return for the Town providing capacity in its sewage treatment plant to such user. This charge is in addition to any tap-on or similar fees provided for in the code of ordinances of the Town. The sewer treatment plant

availability fee is hereby established as follows and may be changed from time to time as deemed necessary by the Town Council.

(C) Payment of the sewer treatment plant availability fee shall be made to the Town Utility Department at the following times:

(1) For new construction, at the time service is requested.

(2) For all new or additional users not qualifying as new construction, the sewer treatment plant availability fee shall be paid in full prior to the time a new or additional connection is made to the Town's sewage system.

**§ 52.81 RESERVED**

**§ 52.82 RESERVED**

**§ 52.83 TRUCKED OR HAULED POLLUTANT DISCHARGE FEES.**

(A) No entity shall be subject to a Trucked or Hauled Pollutant Discharge Fee when under contract with the Town for work performed as a part of a public works improvement or repair project subject to the condition that the discharger meets all conditions set forth in Section 52.51 of this Chapter.

(B) Non-Commercial discharges that meet the conditions of Section 52.51 of this Chapter shall be subject to a Trucked or Hauled Pollutant Discharge Fee for each load discharged. This fee may be in addition to any Surcharge Fees (as defined in Section 52.82 of this Chapter) should the discharge be found to be of abnormal strength. The Trucked or Hauled Pollutant Discharge Fee is hereby established as follows and may be changed from time to time as deemed necessary by the Town Council.

<u>Discharge Volume</u>	<u>Discharge Fee</u>
Under 200 Gallons	\$ 25.00
201 to 500 Gallons	\$ 50.00
501 to 1,000 Gallons	\$ 100.00
1,001 to 2,500 Gallons	\$ 200.00
2,501 to 6,000 Gallons	\$ 300.00

(C) Payment of the Trucked or Hauled Pollutant Discharge Fee shall be made to the Town Utility Department within thirty (30) days of the discharge.

**PENALTY**

**§ 52.99 PENALTY.**

(A) Any person found to be violating any provision of this chapter, except § [52.05](#), shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violations.

(B) Any person who continues any violation beyond the time limit provided for in division (A) of this section may be fined in an amount of at least one thousand dollars (\$1,000) but not exceeding twenty-five hundred dollars (\$2,500) per day, per violation, for a first violation nor more than seventy-five hundred dollars (\$7,500) per day, per violation For subsequent violations, in accordance with IC 36-1-3-8(a)(10)(B).

(C) Any person violating any of the provisions of this chapter becomes liable to the Town for any expense, loss or damage occasioned the Town by reason of the violation.

EXHIBIT "B"



**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

February 25, 2011

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

Ms. Kathy Dillon  
Brownsburg POTW  
61 North Green Street  
Brownsburg, Indiana 46112

Dear Ms. Dillon:

Re: Sewer Use Ordinance and  
Enforcement Response Plan Review  
NPDES Permit No. IN0021245  
Brownsburg POTW  
Hendricks County

Our office has reviewed the revisions made to the Sewer Use Ordinance (SUO) and Enforcement Response Plan (ERP) in accordance with Part III of NPDES permit number IN0021245 for the Brownsburg POTW, received by our office February 16, 2011. I am pleased to inform you that the proposed SUO and ERP are hereby approved. We believe that implementation of these modifications to revise the SUO and ERP, are consistent with Federal and State requirements and your responsibilities with regard to pretreatment.

If you have questions regarding this matter, please contact Natalie Maupin at (317) 232-8729.

Sincerely,

Gary Starks, Chief  
Compliance Data Section  
Office of Water Quality

cc: Jason Palin, IDEM