

**BOARD OF DIRECTORS FOR CWA AUTHORITY, INC.**

**RESOLUTION NO. CWA 2-2011**

**A RESOLUTION ESTABLISHING UNIFORM REQUIREMENTS FOR DISCHARGES INTO, THE CONSTRUCTION OF, AND ADDITIONS TO WASTEWATER COLLECTION AND TREATMENT SYSTEM OWNED AND OPERATED BY CWA AUTHORITY, INC.**

**WHEREAS**, CWA Authority, Inc. (the "CWA Authority"), is a political subdivision in the State of Indiana organized as an Indiana nonprofit corporation and established pursuant to an "Interlocal Cooperation Agreement for the Provision of Utility Services (Wastewater)" (the "Interlocal Agreement") entered into among the Department of Public Utilities of the City of Indianapolis d/b/a Citizens Energy Group ("Citizens"), acting by and through the Board of Directors for Utilities for the City of Indianapolis (the "City") and the Sanitary District of the City of Indianapolis, acting by and through the Board of Public Works (the "District");

**WHEREAS**, pursuant to Special Ordinance No. 4-2010 and Special Ordinance No. 7-2010 (collectively, the "Ordinances") passed by the City-County Council of Indianapolis and Marion County, Indiana and signed by the Mayor of Indianapolis on July 6, 2010, the City-County Council and the Mayor approved the transfer and delegation to, and vesting in and exercising by CWA Authority, all of the powers, duties, functions and obligations of the District (except the City's taxing power and taxing authority) with respect to the wastewater system;

**WHEREAS**, the wastewater system assets were transferred and assigned to CWA Authority on August 26, 2011 and the Authority possesses all the powers that are necessary, useful or appropriate to own and operate the wastewater system and/or assert jurisdiction over disposal of sewage, including industrial wastes or other wastes; and,

**WHEREAS**, CWA Authority received approval from the United States Environmental Protection Agency on March 29, 2016, for CWA Authority to directly implement the Industrial Pretreatment Program, now; therefore:

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF CWA AUTHORITY, INC., as follows:**

- CHAPTER 1. Purpose and policy; definitions; general requirements.**
- CHAPTER 2. Permits; registrations.**
- CHAPTER 3. Pretreatment requirements.**
- CHAPTER 4. Wastewater hauling.**

**CHAPTER 1. Purpose and policy; definitions; general requirements.**

**Sec. 1.1. Purpose and policy.**

(a) This resolution sets forth uniform requirements for users of, the construction of, and additions to the wastewater collection and treatment system owned and operated by the department of public utilities of the city of Indianapolis or CWA Authority, Inc. These requirements enable the board of directors for CWA Authority, Inc. to protect public health, protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public, ensure a sound sewer infrastructure system in the future, ensure the ability to comply with its NPDES permit conditions, sludge use and disposal requirements, and comply with all applicable local, state and federal laws relating thereto to which the POTW is subject.

(b) The objectives of this resolution are:

- (1) To prevent the introduction into the wastewater system of pollutants which will interfere with the normal operation of the system or contaminate the resulting municipal sludge;
- (2) To prevent the introduction into the wastewater system of pollutants which will pass through the system into receiving waters or the atmosphere or otherwise be incompatible with such works;
- (3) To promote reuse and improve the opportunity to recycle and reclaim wastewater and sludge from the system; and
- (4) To prevent the introduction into the wastewater collection system of infiltration and inflow which will occupy capacity reserved for community growth;

(c) This resolution provides for the regulation of discharges into the wastewater system through the issuance of industrial discharge permits, the execution of special agreements, and the enforcement of administrative regulations.

(d) In furtherance of these objectives, this resolution details the general regulation of discharges to public sewers and the issuance of discharge permits for industrial users of the wastewater system.

#### **Sec. 1.2. Definitions.**

As used in this resolution, the following terms shall have the meanings ascribed to them in this section unless the context specifically indicates otherwise.

*ASTM* means the American Society for Testing and Materials.

*Accidental Discharge* means an unintentional release of a material that may violate the requirements of Section 1.4 of this Resolution.

*Act* means the Federal Water Pollution Control Act, as amended as of January 1, 1995, 33 USC 1251 et seq., also known as the Clean Water Act or CWA.

*Administrator* means the Regional Administrator of Region V, U.S. Environmental Protection Agency or Commissioner of the Indiana Department of Environmental Management or its successor, provided such state agency has a pretreatment program approved by the EPA.

*Applicable pretreatment standard* means, for any specified pollutant, the board's prohibitive discharge standards, the board's specific limitations on discharges, the State of Indiana pretreatment standards, or the federal general or categorical pretreatment standards (when effective), whichever standard is most stringent.

*Approval authority* means the administrator.

*Authorized representative of industrial user* means:

- (1) A responsible corporate officer if the industrial user is a corporation. A responsible corporate officer means:

- a. A president, vice-president, treasurer or secretary of the corporation in charge of a principal business function or any other person who performs similar policy or decision-making functions for the corporation; or
  - b. A manager of one (1) or more manufacturing, production or operation facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and authority to sign documents has been assigned or delegated to such manager in accordance with corporate procedures.
- (2) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively.
  - (3) For a municipality, state, federal or other public agency, by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).
  - (4) An individual duly authorized by the person designated in subsection (1), (2) or (3) above, provided:
    - a. The authorization is made in writing by the individual described in subsection (1), (2) or (3) above;
    - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the discharge originates, such as the position of plant manager, plant engineer, superintendent, or a position of equivalent responsibility or having overall responsibility for environmental matters for the company; and
    - c. The written authorization is submitted to the CWA Authority.

*Best management practices* or "BMP" means any or all of the following:

- (1) Schedules of activities;
- (2) Prohibitions of practices;
- (3) Maintenance procedures and other management practices to implement the prohibitions listed in 30 CFR 403.5(a)(1) and 40 CFR 403.5 (b);
- (4) Treatment requirements;
- (5) Operating procedures; and/or
- (6) Practices to control any of the following:

- a. Plant site runoff;
- b. Spillages or leaks;
- c. Sludge or waste disposal; and/or
- d. Drainage for raw materials storage.

*Board* means the board of directors of CWA Authority.

*Biochemical Oxygen Demand ("BOD")* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter (mg/l).

*Categorical pretreatment standard* means any regulation containing pollutant discharge limits or alternative best management practices promulgated by the EPA in accordance with section 307(b) and (c) of the Act that apply to a specific category of industrial user that appears in 40 CFR Chapter I, Subchapter N, Parts 405-471.

*Chemical Oxygen Demand ("COD")* means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*City sewer* means a sewer owned and operated by CWA Authority.

*Combined sewer* means a sewer that has been designed or intended to receive both surface runoff and sewage.

*Commercial wastewater* means the liquid or liquid-borne wastes from commercial establishments including, but not limited to, restaurants, dry cleaners, service stations or auto repair facilities and retail establishments or public or private nonresidential buildings; and shall include any grease, oil, solvents, sludge or other material removed from any sewage disposal system or wastewater treatment plant.

*Composite sample* means a sample representative of a user's discharge within a given twenty-four (24) hour period of operation. Samples may be done either manually or automatically, and continuously or discretely, with not less than four (4) samples to be composited or a sufficient number of individual aliquots to comprise a representative sample as determined by the director.

*Cooling water* means the water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.

*CWA Authority* means CWA Authority, Inc., an Indiana nonprofit corporation established pursuant to an interlocal cooperation agreement, dated as of August 9, 2010, by and among the City of Indianapolis, the Sanitary District of the City of Indianapolis, acting by and through the board of public works, and the Department of Public Utilities of the City of Indianapolis, acting by and through the board of directors for utilities as the control authority.

*Daily maximum* means the arithmetic average of all effluent samples for a pollutant collected during a calendar day (or any 24-hour period that reasonably represents a calendar day for purposes of sampling, if approved by the Department).

*Daily maximum limit* means the maximum allowable discharge limit of a pollutant during a

calendar day. Where Daily Maximum Limits are expressed in units of mass, the "daily maximum" is the total mass discharged over the course of the day. Where the Daily Maximum Limits are expressed in terms of a concentration, the "daily maximum" is the arithmetic average measure of the pollutant concentration derived from all measurements taken that day.

*Department* means the CWA Authority.

*Direct discharge* means the discharge of treated or untreated wastewater directly to the surface waters of the state.

*Director* means the vice-president of water operations for Citizens Energy Group or his/her designee.

*Discharge report* means any report required of an industrial user as a part of its industrial discharge permit.

*Domestic wastewater* means wastewater of the type commonly introduced into a POTW by residential users, including the liquid-borne wastes resulting from normal residential water-consuming activities including, but not limited to, disposal.

*EDU's* means equivalent dwelling unit, and shall be determined in accordance with industry standards and shall reflect the greater of the actual daily flow requirements (per 327 IAC 3), the area ratio of the water meter size serving a particular user, or such means of determination deemed appropriate by the director. One (1) EDU shall be estimated as equal to equal three hundred ten (310) gallons per day.

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

*Existing Source* means any source that is not a new source.

*General pretreatment regulations* means "General Pretreatment Regulations for Existing and New Sources of Pollution," 40 CFR Part 403.

*Grab sample* means a sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time over a period of time not to exceed fifteen (15) minutes.

*IDEM* means the Indiana Department of Environmental Management.

*Indirect discharge* means the discharge or the introduction of nondomestic pollutants from any source regulated under section 307(b) or (c) of the Act (33 USC § 1317) into the POTW (including holding tank waste discharged into the system).

*Industrial user ("IU")* means any user of the POTW who discharges, causes or permits the discharge of nondomestic wastewater into the POTW.

*Industrial wastewater* means a combination of liquid and water-carried waste discharged from any industrial user's establishment and resulting from any trade or process carried on in that establishment, including the wastewater from pretreatment facilities and polluted cooling water. The term includes the liquid or liquid-borne waste from industrial manufacturing process, trades or businesses.

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

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

*Instantaneous limit* means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

*Interference* means any discharge that, alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

*Land application* means the process of disposing of wastewater by burial or incorporation into the soil.

*Lift station* means any arrangement of pumps, valves and controls that lifts wastewater to a higher elevation.

*Medical Waste* means 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.

*Monthly average limitation* means the highest allowable average of "daily maximums" over a calendar month calculated as the sum of all "daily maximums" measured during a calendar month divided by the number of "daily maximums" measured during that month.

*NH<sub>3</sub>-N (denoting ammonia nitrogen)* means all of the nitrogen in water, sewage or other liquid waste present in the form of ammonia, ammonia ion or in the equilibrium  $\text{NH}_4^+ \rightleftharpoons \text{NH}_3 + \text{H}^+$ .

*Natural outlet* means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

*New source* means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act, which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located;

- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source has commenced if the owner or operator has:

- (1) Begun or caused to begin as part of a continuous on-site construction program:
  - a. Any placement, assembly or installation of facilities or equipment; or
  - b. Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities that is necessary for the placement, assembly or installation of new source facilities or equipment; or
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment that is intended to be used in its operation within a reasonable time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Noncontact Cooling Water* means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

*Nonindustrial user* means all users of the POTW not included in the definition of "industrial user."

*Pass-through* means a discharge 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, is a cause of a violation of any requirement of the POTW's NPDES permit including an increase in the magnitude or duration of a violation.

*Person* means any user, individual, partnership, co-partnership, trust, firm, company, association, society, corporation, group, estate, joint stock company, governmental agency (including, but not limited to, the United States of America, the State of Indiana and all political subdivisions, authorities, districts, departments, agencies, bureaus and instrumentalities thereof), or any other legal entity or any combination of such.

*pH* means a measure of the acidity or alkalinity of a solution, expressed in standard units representing the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

*Pollutant* means, but is not limited to, any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical waste, chemical materials, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste discharged into water, and certain characteristics of wastewater (including pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

*POTW Treatment Plant* means that portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

*Pretreatment or treatment* means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR section 403.6(d).

*Pretreatment requirements* mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a pretreatment standard.

*Pretreatment standard or regulation* means any substantive or procedural requirement related to pretreatment contained in this resolution.

*Prohibited discharge standards or prohibited discharges* mean an absolute prohibition against the discharge of certain substances.

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

*Properly shredded garbage* means the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half ( $\frac{1}{2}$ ) inch (one and twenty-seven one-hundredths (1.27) centimeters) in any dimension.

*Public entity* means and the state of Indiana, any city, town, county, political subdivision (as defined by IC 36-1-2-13), and any department, commission, board, bureau or agency thereof.

*Public sewer* means any combined or sanitary sewer or lift station located within the public right-of-way or a dedicated easement and that is controlled by a public entity.

*Publicly Owned Treatment Works ("POTW")* means all publicly owned facilities for collecting, pumping, treating and disposing of wastewater, including sewers, lift stations, manhole stations and the wastewater treatment plants. This includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.

*Qualified Professional* means a technical person with comprehensive knowledge of the industrial user and its wastewater processes. The qualified professional and authorized representative can be the same person.

*Radioactive material* means any material (solid, liquid or gas) that spontaneously emits

ionizing radiation and that is regulated by the Nuclear Regulatory Commission (NRC) or the Indiana State Board of Health. This may include naturally occurring radioactive material, by-product material, accelerator produced material, source material or special nuclear material.

*Sanitary district* means that area incorporated into the sanitary district established pursuant to IC 36-9-25.

*Sanitary sewer* means a sewer that carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

*Septic tank waste* means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Sewage* means human excrement and gray water (household showers, dishwashing operations, etc.)

*Sewage disposal system* means and includes septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units and other equipment, facilities or other devices used to store, treat, render inoffensive or dispose of human excrement or liquid-borne wastewater.

*Sewage normally discharged by a residence* means the liquid waste contributed by a residential living unit and shall not exceed a volume of ten thousand five hundred (10,500) gallons per month, thirty (30) pounds of BOD per month, and thirty-five (35) pounds of suspended solids per month.

*Sewer* means a pipe or conduit for carrying sewage.

*Sewer work* means the connecting of any building sewer to a city sewer, the making of a significant alteration to or significant repair of a building sewer, the connecting of a building sewer to a building drain or the altering or repairing of a city sewer.

*Shall* is mandatory; *may* is permissive.

*Significant industrial user ("SIU")* means, except as provided in (6) any industrial user that is:

- (1) A facility regulated by a national categorical pretreatment standard and generates a process discharge;
- (2) A facility with a process wastewater discharge equal to or greater than an average of twenty-five thousand (25,000) gallons per day (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
- (3) Any industrial user with a reasonable potential to adversely affect the POTW, its treatment processes or operations, or its sludge use or disposal or for violating any pretreatment standard or requirement;
- (4) Any other industrial user deemed to be significant by the director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement; or
- (5) Any other industrial user that contributes process wastewater that makes up five (5) percent or more of the dry weather average hydraulic or organic capacity of the POTW treatment plant.

- (6) Any industrial user may be determined to be a nonsignificant categorical user rather than a significant industrial user if the industrial user never discharged more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- a. The industrial user, prior to the Director's findings, has consistently complied with all applicable Pretreatment Standards and requirements.
  - b. The industrial user annually submits the certification statement required in 40 CFR Part 403.12(q) together with any additional information necessary to support the certification statement.
  - c. The industrial user never discharges any untreated concentrated wastewater.

Upon a finding that an industrial user meeting the criteria of paragraphs (2), (3), (4) and (5) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the director may at any time, on the director's own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR § 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*Slug, slug load, or slug discharge* means any discharge of a non-routine, episodic nature, including but not limited to an accidental discharge, accidental spill, or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate any requirement of this resolution or the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

*Storm drain or storm sewer* means a sewer that carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

*Stormwater* means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt.

*Tank* means any container when placed on a vehicle to transport wastewater.

*Terms and Conditions of Service* means Sewage Disposal Service Tariff Rates, Terms and Conditions for Sewage Disposal Service within Marion County, Indiana, and Contiguous Areas as approved by the Indiana Utility Regulatory Commission.

*Total suspended solids (TSS) or suspended solids (SS)* means the total solids that either float on the surface of or are in suspension in water, sewage or other liquids and that are removable by laboratory filtering.

*Toxic pollutant* means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the Environmental Protection Agency under the provisions of CWA §§ 307(a) or 405(d) or other acts.

*Upset* means an exceptional incident in an industrial user's facility, in which there is unintentional and temporary noncompliance with applicable pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, and lack of preventive maintenance or careless or improper operation.

*User* means any person who contributes, causes or permits the contribution of wastewater into the POTW.

*Vehicle* means a device used to transport a tank.

*Wastewater* means a combination of the liquid and water-carried pollutants from residences, commercial businesses, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

*Wastewater hauler* means any person who engages in the activity, service, business or leasing of vehicles for the purpose of transporting domestic wastewater to another location for disposal.

*Wastewater treatment plant* means any arrangement of devices and structures used for treating wastewater.

*Wastewater works* means all facilities for collecting, pumping, treating and disposing of wastewater.

*Watercourse* means a channel in which a flow of water occurs, either continuously or intermittently.

*Abbreviations.* The following abbreviations shall have the designated meanings:

BOD or BOD5:	Biochemical oxygen demand
CFR:	Code of Federal Regulations (July 1, 1994 edition)
COD:	Chemical oxygen demand
CWA:	Clean Water Act
EPA:	U.S. Environmental Protection Agency
gpd	Gallons per Day
IC:	Indiana Code
IAC:	Indiana Administrative Code (as amended as of December 1, 1994)
IDEM:	Indiana Department of Environmental Management
ISBH:	Indiana State Board of Health
IU:	Industrial User
l:	Liter
mg:	Milligrams
mg/l:	Milligrams per liter
NPDES:	National Pollutant Discharge Elimination System
RCRA	Resource Conservation and Recovery Act
SIC:	Standard industrial classification
SNC:	Significant Noncompliance
SS:	Suspended solids
SWDA:	Solid Waste Disposal Act, 42 USC § 6901 et seq.
TSS:	Total suspended solids
40 CFR 136:	"Guidelines Establishing Test Procedures for the Analyses of Pollutants"

### **Sec. 1.3. Required connection to wastewater system.**

Except where a valid NPDES permit exists, the owner of any house, building or property used for human occupancy, employment, recreation or other purposes, situated within the jurisdiction of the CWA Authority and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a city sewer, is hereby required at the owner's expense to connect such facilities directly with the proper city sewer in accordance with the provisions of this resolution within ninety (90) days after the day of official notice to do so, provided that such city sewer is within one hundred (100) feet (30.5 meters) of the property line, notwithstanding whether or not the facilities are served by any private sewage disposal system and within conditions as hereinafter provided.

### **Sec. 1.4. Regulation of discharges to public sewers.**

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

(b) Stormwater and all other unpolluted drainage may be discharged through existing structures to such sewers as are specifically designated as combined sewers or storm sewers. No additional flow shall be introduced. Industrial cooling waters or unpolluted process waters may be discharged, on approval of application as provided in section 2.8 of this resolution.

(c) Unless otherwise specified, sampling and analysis shall be performed in accordance with the requirements and procedures found in the most current version of 40 CFR Part 136.

(d) No person shall discharge or cause to be discharged to any city sewer wastewater or pollutants which cause, threaten to cause or are capable of causing, either alone or by interaction with other substances:

- (1) Fire or explosion hazard, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F [60 degrees C] using the test methods specified in 40 CFR 261.21;
- (2) Corrosive structural damage to the POTW but in no case water with a pH lower than 5.0 or higher than 12.0;
- (3) Obstruction to the flow in city sewers or other interference with the proper operation of the POTW;
- (4) An interference;
- (5) A pass-through.

(e) No person shall discharge or cause to be discharged to any city sewer:

- (1) A slug or a flow rate and/or pollutant discharge rate which is excessive over a relatively short time period so that there is a treatment process upset and subsequent loss of treatment efficiency;
- (2) Heat in amounts which will inhibit biological activity at the wastewater treatment plant but in no case greater than sixty (60) degrees centigrade (one hundred forty (140) degrees Fahrenheit) or heat in such quantities that the temperature at the wastewater treatment plant exceeds forty (40) degrees centigrade (one hundred four (104)

degrees Fahrenheit);

- (3) Any wastewater containing toxic pollutants or any discharge which could result in toxic gases, fumes or vapors in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed applicable categorical pretreatment standards;
- (4) A wastewater with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious or hazardous in any other way to the POTW or to the operation of the wastewater treatment plant. At no time shall a discharge cause a reading on a meter capable of reading L.E.L. (lower explosive limit) to be greater than ten (10) percent at the point of discharge to the POTW or at any point in the POTW;
- (5) Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair;
- (6) Solid or viscous substances and/or other pollutants which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, grease, improperly shredded garbage, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, tar, asphalt residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes, or tumbling and deburring stones;
- (7) Any substance which may cause the POTW's effluent or any other product of the wastewater works such as residues, sludges or scums to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the Act;
- (8) Any substance which will cause the POTW to violate its NPDES permit or the receiving stream's water quality standards;
- (9) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes, inks and vegetable tanning solutions;
- (10) Any wastewater containing radioactive material above limits contained in regulations, licenses or orders issued by the appropriate authority having control over their use. The disposal of any licensed radioactive material must meet applicable local, state or federal requirements;
- (11) Any wastewater containing a total petroleum hydrocarbons concentration as determined by a procedure deemed appropriate by the director in excess of two hundred (200) mg/l. This limitation shall apply at the point of discharge to the city sewer system and is the maximum concentration allowed in any single grab sample collected from the waste stream;

(12) Any gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, carbides, hydrides, stoddard solvents, sulfides, epoxides, esters, amines, polynuclear aromatic hydrocarbons, pyridines, new and used motor oil, ethylene glycol, or antifreeze, in amounts that will cause interference or pass through or otherwise violate any Chapter of this resolution or the conditions of an industrial discharge permit or a special agreement; and

(13) Polychlorinated biphenyls (PCBs) in any detectable concentrations.

(14) Any pollutant, including oxygen demanding pollutants, released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(15) Any trucked or hauled pollutants, except at discharge points designated by the POTW.

(f) No person shall discharge or cause to be discharged a wastewater which has a value in excess of the values shown on table 1.

TABLE 1  
NONCATEGORICAL DISCHARGE LIMITS

Pollutant	Daily Maximum Allowable Concentration Value (mg/l)
Arsenic	4.0
Beryllium	1660.0
Cadmium	1.2
Chromium (total)	24.0
Chromium (hex)	3.4
Copper	2.2
Cyanide (amenable)	0.4
Lead	4.7
Mercury	0.025
Nickel	7.3
Total Phenols	46.0
Pentachlorophenol	0.012
Selenium	21.5
Silver	4.2
Zinc	38.0

(g) The limitations set forth in table 1 established pursuant to 40 CFR 403.5(c) above apply at the point of discharge to the city sewer system. The local limitations for amenable cyanide, total cyanide and phenols apply to twenty-four-hour composite samples only in those cases where the composite sample is preserved according to EPA approved methods prior to collection. Otherwise, the values set forth for amenable cyanide, total cyanide and phenols or, with the approval of the director; any other listed pollutants shall apply to an instantaneous grab sample taken during prevailing discharge conditions and representative of the facility's discharge in general. The limitations and requirements imposed in subsections (c) and (d) of this section shall apply at the point of discharge to the city sewer unless specified otherwise.

(h) A grease interceptor shall be installed in the waste line leading from sinks, drains and other fixtures or equipment in restaurants, cafes, lunch counters, cafeterias, bars and clubs; hotel, hospital, sanitarium, factory or school kitchens; or other establishments where grease may be introduced into the drainage or sewage system in quantities that can affect line stoppage or hinder sewage treatment. The characteristics, size and method of installation of the grease interceptor shall meet the requirements imposed by the Indiana Department of Fire Prevention and Building Services and shall be reviewed and approved by the director prior to the commencement of installation. Approval of proposed facilities or equipment does not relieve the person of the responsibility of enlarging or otherwise modifying such facilities to accomplish the intended purpose. On a showing of good cause, the director may waive this requirement. A grease interceptor is not required for individual dwelling units or for any private living quarters.

(j) No user shall introduce new constituents or change substantially the character or volume of pollutants discharged to the POTW without prior written notification to and approval by the director. Such prior notification shall include hazardous wastes for which an industrial user has submitted notification to the director pursuant to section 3.13.

#### **Sec. 1.5. Removal Credits.**

When the CWA Authority demonstrates consistent removal of pollutants limited by federal categorical pretreatment standards, as required by 40 CFR 403.7, CWA Authority may apply to the administrator of EPA, or the state if it has an approved pretreatment program, for authorization to give a removal credit to industrial users to reflect removal of toxic or other regulated pollutants by the wastewater treatment system.

#### **Sec. 1.6. State and federal requirements.**

Federal categorical pretreatment standards or state requirements and limitations on discharges shall apply in any case where they are more stringent than those in this resolution. To the extent the federal regulations contain stricter standards, the categorical pretreatment standards found in 40 CFR Chapter I, Subchapter N, Parts 405--471, are hereby incorporated by reference into this resolution. To the extent the state regulations contain stricter standards, the pretreatment standards found in 327 IAC 5-18-4 are hereby incorporated by reference into this resolution.

#### **Sec. 1.7. Right of revision.**

CWA Authority reserves the right to establish by resolution more stringent limitations or requirements on discharges to the wastewater system than those in this resolution that may be deemed necessary to comply with the objectives presented in section 1.1 of this resolution or to comply with federal or state laws, regulations, or permits issued by such authorities.

#### **Sec. 1.8. Excessive discharge.**

No industrial user shall ever increase the use of process water or other flows 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 developed by the board or the state.

#### **Sec. 1.9. Accidental discharge.**

(a) Each industrial user shall provide protection from accidental discharge of substances regulated by this resolution. Facilities to prevent accidental discharge shall be provided and maintained at the owner's or user's own cost and expense. Detailed plans showing facilities and

operating procedures to provide this protection shall be available to CWA Authority for review. All existing industrial users shall complete such a plan within six (6) months after the effective date of this resolution. No industrial user who commences contribution to the POTW after the effective date of this resolution shall be permitted to introduce pollutants into the system until accidental discharge procedures are available. Such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this resolution.

(b) In the case of an accidental discharge, it is the responsibility of the industrial user to immediately telephone and notify CWA Authority of the incident. The notification shall include:

- (1) Name of company;
- (2) Location of discharge;
- (3) Type of waste discharged;
- (4) Concentration and volume of waste discharged; and
- (5) Corrective actions taken to minimize the impact of the discharge to the POTW.

(c) The industrial user shall notify CWA Authority if it is unable to comply with any requirement of this resolution because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification should include the information required in subsection (b) above.

(d) Within five (5) working days, unless extended by CWA Authority in writing, the industrial user shall submit to CWA Authority a detailed written report describing the accidental discharge, including:

- (1) The cause of the accidental discharge;
- (2) The period of the accidental discharge, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue;
- (3) Steps being taken and/or planned to reduce, eliminate or prevent recurrence of the accidental discharge.

(e) Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the wastewater works or aquatic life, fish kills, or any other damage to persons or property; nor shall such notification relieve the user of any fines, civil penalties or other liability which may be imposed by this resolution or other applicable law.

(f) An affirmative defense of upset may be available to an industrial user in an enforcement proceeding. In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof. An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence, that:

- (1) An upset occurred and the industrial user can identify the specific cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

- (3) The industrial user has submitted to CWA Authority the information required in subsections (c) and (d) above;

Any upset defense is only available for violations of categorical pretreatment standards or technology-based permit effluent limitations.

(g) A notice shall be permanently posted in a prominent place advising affected employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or identify such an accidental discharge to occur are advised of the emergency notification procedure.

#### **Sec. 1.10. Plan to control slug discharges.**

(a) CWA Authority shall evaluate and document whether each significant user needs a plan or other action to control slug discharges. For industrial users identified as significant prior to November 14, 2005, this evaluation shall have been conducted at least once by October 14, 2006. Additional significant industrial users shall be evaluated within one (1) year of being designated as an industrial user.

(b) Significant industrial users shall notify CWA Authority immediately of any changes at a facility affecting potential for a slug discharge.

(c) Slug control plans shall contain, at a minimum, the following elements:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying CWA Authority of slug discharges, including any discharge that would violate a prohibition under Chapter 4 of this resolution with procedures for follow-up written notification within five (5) days; and
- (4) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response.

#### **Sec. 1.11. Liability for damage.**

(a) If any person discharges or causes to be discharged a waste which causes interference, pass-through, obstruction, damage or any other impairment to the POTW, CWA Authority may assess a charge against such person for:

- (1) The work required to clean or repair the POTW;
- (2) Any civil penalty, fine or cost of compliance with injunctions or other orders of a court or governmental authority imposed against CWA Authority as a result of such interference, obstruction, damage or impairment; and

- (3) All other costs incurred by CWA Authority as a result of such interference, pass through, obstruction, damage or impairment including but not limited to expert, consultant and attorneys' fees;

and add such charges to such person's regular charge.

(b) A person shall have an affirmative defense to any charge assessed against it under this Resolution where the person can demonstrate that it did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause pass through or interference, and:

- (1) A local limit designed to prevent pass through or interference, as the case may be, has been developed for each pollutant in the person's discharge that caused pass through or interference, and the person was in compliance with such local limit directly prior to and during the pass through or interference; or
- (2) If a local limit designed to prevent pass through or interference, as the case may be, has not been developed for the pollutant(s) that caused the pass through or interference, the person's discharge directly prior to and during the pass through or interference did not change substantially in nature or constituents from the person's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of interference, applicable requirements for sewage sludge use or disposal.

#### **Sec. 1.12. Special agreements.**

Special agreements and arrangements between CWA Authority and any person may be established when the director determines that unusual or extraordinary circumstances compel special terms and conditions. The director shall consider the total cost of application of technology in relation to the pollutant reduction benefits to be achieved from such application; the quality of pollutants that will be included in the discharge, the impact of those pollutants on the POTW and the receiving stream, and such other factors as the director determines to be appropriate. A violation of a term of a special agreement shall be considered a violation of this Resolution. There cannot be special agreements and arrangements where federal categorical pretreatment standards and requirements apply.

#### **Sec. 1.13. Monitoring devices; metering equipment.**

(a) Installation and maintenance at industrial user's expense. The director may require, as is necessary to carry out the requirements of this resolution, any industrial user to construct at the industrial user's expense monitoring facilities to allow inspection, sampling and flow measurement of the building drain or sewer and may also require sampling or metering equipment to be provided, installed and operated at the industrial user's expense. The monitoring facility should normally be situated on the industrial user's premises, but the director may, when such a location would be impractical or cause undue hardship, upon approval allow the facility to be constructed in the public right-of-way; provided, however, the department of public works of the city of Indianapolis shall determine the locations on the public right-of-way on or below which the monitoring device and facility shall be placed.

(b) Temporary right-of-way use permit. The owner of the property abutting the public right-of-way to be used for the installation of the monitoring device shall submit to the appropriate city agency a temporary right-of-way use request and site plan prior to proceeding with the installation of the monitoring device.

(c) Industrial users. Industrial users subject to categorical pretreatment standards shall have the option to designate a sampling location at a point containing only regulated process wastewaters or at a point containing the combined waste stream to demonstrate compliance with the applicable standard. The industrial user shall prove to the satisfaction of CWA Authority that the selected self-monitoring location contains all regulated waste streams. This option does not relieve the industrial user of the requirements specified in subsection (a) of this section.

(d) An industrial user shall obtain written approval of CWA Authority prior to changing the point of self-monitoring activities.

#### **Sec. 1.14. Right to inspect.**

Whenever required to carry out the objectives of this resolution, the director or his/her authorized representative shall have a right of entry to, upon or through any premises, for purposes of reviewing and copying relevant records, inspecting, measuring and sampling of the discharges, and collecting all pertinent information (including photographic documentation) to assess compliance. If requested, the director or his/her authorized representative shall present appropriate credentials. This right of entry shall include, but not be limited to, any equipment necessary to conduct such inspections, measuring and sampling. It shall be the duty of the person to provide all necessary clearance before entry and not to unnecessarily delay or hinder the authorized representative in carrying out the review of relevant records, inspection, measuring and sampling. The right of entry shall exist at any time.

#### **Sec. 1.15. Rules and regulations.**

After the adoption of this resolution, and from time to time thereafter as may be needed, the board may by resolution promulgate rules and regulations necessary to implement and carry out the provisions of this resolution and not inconsistent therewith.

#### **Sec. 1.16. Notification of violation.**

Whenever the director determines that any user has violated or is violating any term or condition of this Resolution, the director may serve upon such person a written notice stating the nature of the violation. Nothing in this Chapter shall limit the authority of CWA Authority to take any action, including emergency actions or any other enforcement action without first issuing a notification of violation.

#### **Sec. 1.17. Penalties and Enforcement.**

(a) A violation of any condition or requirement of any permit issued under this resolution or special agreement entered into under the authority of this resolution shall constitute a violation of this resolution. Each day's violation shall constitute a separate offense.

(b) Nothing in this resolution shall restrict any right which may be provided by statute or common law to the board or CWA Authority to bring other actions, at law or equity, including injunctive relief. Violations of this resolution may be resolved through administrative adjudication as provided in a resolution adopted by the board.

(c) Enforcement proceedings under this Chapter shall be in accordance with the procedures established in Resolution CWA 3-2011 and the CWA Authority Enforcement Response Plan.

#### **Sec. 1.18. Response to notification of violation.**

Whenever the director has served upon any person a written notice stating the nature of an

alleged violation, such person shall, within thirty (30) days of the date of the notice, submit a plan for the satisfactory correction thereof to CWA Authority by the User. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of CWA Authority to take any action, including emergency actions or any other enforcement action without first issuing a Notice of Violation.

#### **Sec. 1.19. Compliance Agreement**

CWA Authority may enter into Compliance Agreements, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative order issued pursuant to this resolution and Resolution CWA 3-2011 and shall be administratively or judicially enforceable.

#### **Sec. 1.20. Show-cause hearing.**

The director may order any user who causes or allows an unauthorized discharge to enter the POTW, or a user who has violated or continues to violate any provision of this Resolution, a permit issued in accordance with Section 2 of this Resolution, or order issued hereunder, or any other pretreatment standard or requirement to show cause at a hearing why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held before the director or an appointed hearing officer, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail at least ten (10) days before the hearing.

#### **Sec. 1.21 Appeals.**

A user may file with the director a written request for reconsideration within fifteen (15) days of any final action, decision or determination taken as part of CWA Authority's administrative enforcement program. The request shall set forth in detail the facts surrounding the request. The director shall respond within ten (10) days of receipt of the request and shall make a final determination within thirty (30) days of receipt of the request.

The User may appeal any final decision of the director to the CWA Authority board within fifteen (15) days of the final decision.

Further appeals may be taken to the Marion County circuit or superior courts within fifteen (15) days of any final decision of the CWA Authority board.

#### **Sec. 1.22. Recordkeeping requirement.**

(a) Any industrial user subject to the reporting requirements established in this resolution or by a categorical pretreatment standard shall maintain records of all information resulting from any monitoring activities required by this resolution, including documentation required by best management practices. Such records shall include for all samples:

- (1) The date, exact place, method and time of sampling and the name(s) of the person or persons taking the samples;
- (2) The dates analyses were performed;

- (3) The name, title and address of the person or persons who performed the analyses;
- (4) The analytical techniques/methods used; and
- (5) The results of such analyses.

(b) Any industrial user subject to the reporting requirements established in this resolution shall be required to retain for a minimum of three (3) years any records of monitoring activities and results and shall make such records available for inspection and copying by CWA Authority, the EPA and the IDEM. CWA Authority may extend the recordkeeping retention requirement beyond three (3) years during periods of litigation, in anticipation of litigation, or as requested by the approval authority. Records maintained pursuant to this Resolution are deemed to be public records subject to the provisions of IC 5-14-3-1 et seq. except as provided in Section 3.5 of this Resolution.

#### **Sec. 1.23. Baseline report.**

(a) Within one hundred eighty (180) days after the effective date of a federal categorical pretreatment standard, or one hundred eighty (180) days after the final administrative decision made on a category under 40 CFR 403.6(a)(4), whichever is later, existing industrial users subject to such categorical pretreatment standards and currently discharging to or scheduled to discharge to the POTW will be required to submit to the department a report containing the information as required by 40 CFR 403.12(b)(1) through (b)(6). At least ninety (90) days prior to the commencement of discharge, new sources and sources that become industrial users subsequent to the promulgation of an applicable categorical pretreatment standard will be required to submit to the department a report which contains the information listed in subsections (1) through (5) of this section. New sources also will be required to include in this report information on the method of pretreatment the source intends to use to meet the applicable pretreatment standards. New sources shall give estimates of the information requested in subsection (6).

- (1) *Identifying information.* The user shall submit the name and address of the facility, including the name of the operator and owners.
- (2) *Permits.* A list of any environmental control permits held by or for the facility.
- (3) *Description of operations.* User shall submit a brief description of the nature, average rate of production, and standard industrial classification of the operation(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the wastewater works from the regulated processes.
- (4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - a. Regulated process streams; and
  - b. Other streams as necessary to allow use of the combined waste stream formula of 40 CFR 403.6(e).

The director may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (5) *Measurement of pollutants.* The pretreatment standards applicable to each regulated process and concentration and nature (or mass) as measured according to 40 CFR 403.12(b)(5).
- (6) *Report of compliance.* The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis. If not, then the report shall state what operation and maintenance or pretreatment is necessary to bring the user into compliance and the shortest schedule by which the user will provide such additional operation and maintenance or pretreatment, provided that the completion date shall not be later than the compliance date established for the applicable categorical pretreatment standard. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional. If the industrial user's categorical pretreatment standard has been modified by a removal allowance pursuant to 40 CFR 403.7, the combined wastestream formula pursuant to 40 CFR 403.6(e) or a fundamentally different factors variance pursuant to 40 CFR 403.13, the industrial user shall report to the department within the time frames specified in 40 CFR 403.12(b).

#### **Sec. 1.24. Signatories and Certifications.**

All wastewater discharge permit applications, User reports, and certification statements required to be submitted must be signed by an Authorized Representative of the User and contain the following certification statement:

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

### **CHAPTER 2. Permits; registration**

#### **Sec. 2.1. Permit required.**

(a) Pursuant to Section 19 of the Terms and Conditions of Service as approved by the Indiana Utility Regulatory Commission ([www.in.gov/iurc](http://www.in.gov/iurc)), all industrial users connected to or discharging into a city sewer that meet the definition of a significant industrial user, who do not currently have an industrial discharge permit, must complete an application for an industrial discharge permit within ninety (90) days after the effective date of this resolution. All significant industrial users (SIU's), including those users subject to federal standards, users not subject to federal standards but deemed significant by CWA Authority, or which otherwise meet the criteria of a significant industrial user shall obtain a permit from CWA Authority before connecting to or discharging into a city sewer.

(b) No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this resolution or the industrial discharge permit. Nor shall any person falsify, tamper with or knowingly render inaccurate any monitoring device or method required under this resolution.

#### **Sec. 2.2. Application.**

(a) All industrial users required to obtain an industrial discharge permit from CWA Authority must submit a permit application. CWA Authority shall have the authority to prescribe an industrial discharge permit application form. The application form may require the following information:

- (1) Name, address of the facility and standard industrial classification (SIC) or North American Industrial Classification System (NAICS) number.
- (2) Name and business address of the owner and name and business address of the operator (if these differ from the facility address).
- (3) Contact information, description of activities, facilities, and plant production processes on the premises.
- (4) Number of employees, hours of operation, and proposed or actual hours of operation.
- (5) Environmental Permits held by or issued for the facility operations, including permits issued under the authority of federal, state, or local agencies to implement requirements of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act.
- (6) Description of Operations, including a brief description of the nature of the products or goods produced, average rate of production (including each product produced by type, amount, processes, and rate of production). This description should include a schematic process diagram which indicates points of discharge (which may be internal to the on-site wastewater system) from the regulated processes that are ultimately discharged to the POTW.
- (7) Volume and flow of wastewater to be discharged. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
  - a. Regulated process streams; and
  - b. Other streams as necessary to allow use of the combined wastestream formula of §403.6(e).

CWA Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

- (8) Time and duration of discharges. For batch or non-continuous discharges, the anticipated frequency and volumes of such discharges should also be provided.
- (9) The wastewater characteristics including, but not limited to, BOD, suspended solids, ammonia and pH.
- (10) Types of waste generated, and a list of materials processed that are or could accidentally or intentionally be discharged to the POTW, and a description of daily, weekly and seasonal variations in wastewater discharges, including instantaneous, daily maximum, and long-term average concentrations, or mass, of pollutants.
- (11) Location of building drain or building sewers, and the location for all points of

discharge and monitoring of all wastewater covered by the permit application.

(12) Pretreatment standards applicable to the discharge and any new categorically regulated processes for Existing Sources.

(13) If additional pretreatment and/or operation and maintenance are required to meet the pretreatment standards, the user shall provide it by the shortest possible compliance schedules. The completion date in the schedule shall not be later than the compliance date established for any applicable federal pretreatment standard. The following conditions shall apply to this schedule:

- a. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to in paragraph a. shall exceed nine (9) months.
- c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the director.

(14) Any other information as may be deemed by CWA Authority to be necessary to evaluate the industrial discharge permit application.

(b) The industrial discharge permit application shall be certified by an Authorized Representative of the industrial user as required by section 1.24 of this Resolution.

### **Sec. 2.3. Term.**

The industrial discharge permit shall be for a term of no more than five (5) years. Any person wishing to continue to discharge to a city sewer beyond the term of the industrial discharge permit shall apply for renewal of the industrial discharge permit at least sixty (60) days prior to the expiration of such permit using forms prescribed by CWA Authority, which forms may require the information set forth in section 2.2 of this resolution.

In the event the permittee does not receive permit renewal prior to the expiration date due to circumstances beyond the control of the permittee, the standards and requirements set forth in the expired permit shall remain in full force and effect until such renewal is received by the permittee.

### **Sec. 2.4. Conditions.**

(a) CWA Authority shall prescribe conditions to the industrial discharge permit that shall, as applicable, include the following:

- (1) Best management practices.

- (2) Requirements for notification of slug discharges and the submittal and implementation of a slug control plan as described in section 1.10.
  - (3) Mandatory statement of duration as provided in section 2.3.
  - (4) Mandatory statement of nonassignability as provided in section 2.7.
  - (5) Mandatory effluent limits based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits and state and local law.
  - (6) Mandatory self-monitoring, sampling, reporting, notification and recordkeeping requirements, as provided in this Resolution, including an identification of the pollutants to be monitored, sampling location, sampling frequency and sample type, based on applicable general pretreatment standards in 40 CFR 403, categorical pretreatment standards, local limits and state and local law.
  - (7) Mandatory statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
- (b) CWA Authority may prescribe conditions to the industrial discharge permit that shall, as applicable, include the following:
- (1) Applicable federal, state and/or local laws, resolutions, regulations or orders, including national categorical pretreatment standards for new and existing sources promulgated in 40 CFR parts 401 through 471.
  - (2) Limits or prohibitions on the wastewater characteristics other than those in Section 1.4 of this resolution including, but not limited to, polychlorinated biphenyls and polybrominated biphenyls for the protection of public health or the POTW. The director shall apply applicable federal categorical pretreatment standards, or, in the absence of such standards, limits may be based on the best practical technology.
  - (3) Limits on the average and maximum wastewater constituents and characteristics.
  - (4) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
  - (5) Requirements for installation and maintenance of inspection and sampling facilities.
  - (6) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedule.
  - (7) Compliance schedules which may not extend the compliance date beyond applicable federal deadlines.
  - (8) Requirements for submission of technical reports or discharge reports.
  - (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by this resolution or by a Categorical pretreatment standard, and affording CWA Authority access thereto.
  - (10) Requirements for prior notification of CWA Authority of any new introduction of

wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW, including any hazardous wastes for which the industrial user has submitted notification to the city pursuant to section 3.13.

- (11) Whenever deemed necessary, requirements for discharge restrictions during peak flow periods, including designations that certain wastewater may be discharged only to specific sewers, relocation and/or consolidation of points of discharge, separation of sewage waste streams from industrial wastestreams, and other such conditions, may be necessary to protect the POTW.
- (12) Whenever deemed necessary, requirements for installation and maintenance of suitable storage and flow-control to ensure equalization of flow at the user's facility at their own expense.
- (13) Other conditions as deemed appropriate by the board to ensure compliance with this resolution.

#### **Sec. 2.5. Permit modifications.**

(a) For all industrial users, modification of an industrial discharge permit may also be accomplished at any time during the term of the permit when CWA Authority determines a modification is necessary to accurately characterize changes in industrial contribution, wastewater constituents or characteristics, Resolution requirements or any other applicable condition. An industrial user shall be given a thirty-day (30) written notice of the impending modification. Compliance deadlines with the modified requirements shall be determined on a case-specific basis.

- (1) An industrial user with an existing industrial discharge permit shall submit to CWA Authority, within one hundred eighty (180) days after the promulgation of an applicable categorical pretreatment standard, the information required by section 2.2 of this resolution. Industrial discharge permits of industrial users who must comply with federal categorical pretreatment standards prior to the effective date of this resolution shall be revised immediately upon the effective date of this resolution to reflect applicable pretreatment standards.
- (2) Within nine (9) months of the promulgation of a categorical pretreatment standard, the industrial discharge permit of users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard.

#### **Sec. 2.6. Application Fee.**

There shall be an application fee of one hundred fifty dollars (\$150.00) for an industrial discharge permit. This fee shall apply to original and renewal permit applications and modifications of existing permits initiated by the permittee. Payment of the fee shall accompany submission of the completed application. The board may revise the amount of such fee from time to time, but not more than once each year.

#### **Sec. 2.7. Nonassignability.**

The industrial discharge permits are issued to a specific person for a specific facility and do not constitute a property interest nor shall the industrial discharge permit be assigned, conveyed or sold to a new owner, new user, different premises or a new or changed operation, except as

follows: Industrial discharge permits may be reassigned or transferred to a new owner and/or operator if the permittee gives advance written notice to CWA Authority and CWA Authority approves the industrial discharge permit transfer in writing. Upon submittal of advance notice, and provided that the permitted process(es) remains the same under the new owner and/or operator, the industrial permit remains in effect until such time as CWA Authority issues the new permit.

The notice to CWA Authority must include a written certification by the new owner and/or operator which: (1) states that the new owner and/or operator has no immediate intent to change the facility's operations and process; (2) identifies the specific date on which the transfer is to occur; and (3) acknowledges full responsibility for complying with the existing industrial discharge permit and all applicable laws and regulations.

Failure to provide advance notice of a transfer renders the industrial discharge permit void on the date of facility transfer.

### **CHAPTER 3. Pretreatment requirements.**

#### **Sec. 3.1. Pretreatment.**

Industrial users shall provide wastewater treatment as necessary to comply with this Resolution and shall achieve compliance with all federal categorical pretreatment standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to CWA Authority shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to CWA Authority for review and shall be acceptable to CWA Authority before final review and approval of such plans by the IDEM and construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to CWA Authority under the provisions of this resolution. Any subsequent significant modifications in the pretreatment facilities or method of operation affecting its discharge shall be reported to and be acceptable to CWA Authority prior to the user's initiation of the changes.

#### **Sec. 3.2. Compliance date report.**

Within ninety (90) days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the system, any user subject to pretreatment standards or regulations shall submit to CWA Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or regulations and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards or regulations. The report shall state whether the applicable pretreatment standards or regulations are being met on a consistent basis and, if not, what additional operation and maintenance and/or pretreatment are necessary to bring the user into compliance with the applicable pretreatment standards or regulations. This report shall contain a reasonable measure of the user's long-term production rate. This statement shall be signed by an authorized representative of the industrial user and certified by a qualified professional.

#### **Sec. 3.3. Periodic compliance reports.**

(a) Any user subject to a pretreatment standard set forth in this resolution, after the compliance date of such pretreatment standard or, in the case of a new source, after commencement of the discharge into the POTW, shall submit to CWA Authority, during the months of June and December (or alternative months specified by the director), unless required

more frequently in the pretreatment standard or by the board, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in section 3.2 of this resolution. In cases where the pretreatment standard requires compliance with a best management practice or pollution prevention alternative, the industrial user will submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user. At the discretion of the director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the director may agree to alter the months during which the above reports are to be submitted.

(b) Reports of permittees shall contain the results of sampling and analyses of the discharge, including the flow and the nature and concentration, or production and mass where requested by the CWA Authority, of pollutants contained therein that are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed in accordance with 40 CFR Part 136 or with any other test procedures approved by the CWA Authority. Sampling shall be performed in accordance with the techniques approved by the CWA Authority. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutants in question, or where the director determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or other sampling and analytical procedures approved by the director.

#### **Sec. 3.4. Reporting and sampling requirements.**

(a) The reports required by sections 1.23 (baseline reports), 3.2 (compliance date reports) and 3.3 (periodic compliance reports) shall be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of the conditions occurring during the reporting period. The director shall require a frequency of monitoring that is necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds. For all other pollutants, twenty-four (24) hour composite samples must be obtained through flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the director. Where time-proportional composite sampling or grab sampling is authorized by the director, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the industrial user file for that facility or facilities. Using protocols, including appropriate preservation, as specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four (24) hour period may be composited prior to analysis as follows:

- (1) For cyanide, total phenols and sulfides, the samples may be composited in the laboratory or the field;
- (2) For volatile organics and oil and grease, with the approval of the director, the samples may be composited in the laboratory;
- (3) Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the director, as appropriate.

(b) For sampling required by section 1.23 (baseline reports) and section 3.2 (compliance date reports), a minimum of four (4) grab samples must be used for:

- (1) pH;
- (2) Cyanide;
- (3) Total phenols;
- (3) Oil and grease;
- (5) Sulfide; and
- (6) Volatile organic compounds; for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the director may authorize a lower minimum.

(c) For periodic reports required by section 3.3 (periodic compliance reports), the director shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable pretreatment standards and requirements.

(d) If an industrial user subject to section 3.3 (periodic compliance reports) monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director using the procedures described in section 3.3, the results of this monitoring shall be included in the report.

(e) Reports required under this section or by a permit issued by the Director must be postmarked no later than the due date. If the due date falls on a weekend or federal holiday, the report must be postmarked no later than the next business day.

#### **Sec. 3.5. Confidential information.**

(a) Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, and monitoring programs, and from CWA Authority's inspection and sampling activities, shall be available to the public without restriction unless the User specifically requests confidentiality, and is able to demonstrate to the satisfaction of CWA Authority that the information is confidential as described in paragraph (b). Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302, shall not be recognized as confidential information and shall be made available to the public without restriction.

(b) CWA Authority shall protect any information (other than effluent data) contained in the application forms or other records, reports or plans as confidential upon showing by any person that such information, if made public, would divulge methods or processes entitled to protection as trade secrets under applicable State law.

(c) Information accepted by CWA Authority with a claim for confidentiality shall be safeguarded by CWA Authority and shall not be transmitted to the public until and unless a fifteen-day notification is given to the user. During the fifteen-day period, the user shall submit a justification of confidentiality to CWA Authority. A determination of confidentiality shall be made by the director pursuant to regulations used by the EPA for acquisition of and public access to agency information, 40 CFR § 403.14.

(d) When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the permit furnishing the report.

### **Sec. 3.6. Emergency suspension of service and industrial discharge permit.**

(a) Notwithstanding any other provisions of this resolution, the director may:

- (1) After informal notice to the user, suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the determination of the director, in order to stop an actual or threatened discharge that presents or may present an imminent or substantial endangerment to the health or welfare of persons, and/or
- (2) After notice and an opportunity to respond, suspend the wastewater treatment service and/or an industrial discharge permit when such suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge that presents or may present an endangerment to the environment or causes interference to the POTW, or causes the CWA Authority to violate any condition of its NPDES permit.

(b) Any user notified of a suspension of the wastewater treatment service and/or the industrial discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The director shall reinstate the industrial discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. The user shall pay all costs associated with disconnecting from and reconnecting to the city sewer. A detailed written statement submitted by the user describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to CWA Authority within five (5) days of the date of occurrence.

### **Sec. 3.7. Revocation.**

The director may revoke the industrial discharge permit of any person for any of the following:

- (a) Violation of any provisions of this resolution or of any applicable state and/or federal law including regulations;
- (b) Failure to timely file any discharge reports;
- (c) Failure to factually report wastewater characteristics;
- (d) Refusal of reasonable access to the user's premises for the purpose of review of records, inspection or monitoring; or
- (e) Violation of any condition of the industrial discharge permit.

### **Sec. 3.8. Notice of revocation.**

Except in cases of willfulness or those in which public health interest or safety require otherwise, the revocation, withdrawal or suspension of an industrial discharge permit is lawful only if, before the institution of proceedings thereof, the permittee has been given:

- (a) Notice by the director, in writing, of the facts or conduct which may warrant the action.

- (b) Opportunity to demonstrate or achieve compliance with all lawful requirements.

**Sec. 3.9. Publication of significant noncompliance.**

(a) By April 30 of each year, CWA Authority shall publish in the newspaper of general circulation that provides meaningful notice in the Central Indiana area a list of the users that at any time during the previous calendar year were in significant noncompliance with applicable pretreatment requirements. The list shall be published by April 30 of each year summarizing the noncompliance of the previous calendar year.

(b) For purposes of this section, a significant industrial user (or any industrial user that violates subsections (3), (4), or (8) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of discharge limitations in which sixty-six (66) percent or more of all measurements taken for the same pollutant parameter during a six-month period exceed by any magnitude parameter numeric pretreatment standard or requirement, including instantaneous limits, as defined in 40 CFR 403.3(l);
- (2) Violations of technical review criteria (TRC) defined as those in which thirty-three (33) percent or more of all measurements for the same pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH);
- (3) Any other violations of an effluent limit or a pretreatment standard or requirement as defined in 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the director has determined have caused, alone or in combination with other discharges, interference or pass-through at the POTW or endangerment to POTW personnel or the public;
- (4) Any discharge of a pollutant causing imminent endangerment to human health, welfare or the environment or resulting in the director's exercise of emergency authority under section 3.5 to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after a scheduled date, a compliance schedule milestone contained in a compliance schedule or order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide a required report within forty-five (45) days after the due date;
- (7) Failure to accurately report noncompliance; or,
- (8) Any violation or group of violations that may include violations of best management practices that the director determines will adversely affect the operation or implementation CWA Authority's pretreatment program.

**Sec. 3.10. Submission of self-monitoring reports.**

Any industrial user required to complete self-monitoring reports as a condition of an industrial discharge permit shall submit the required reports to CWA Authority. The reports shall be postmarked no later than the date specified in the permit. The reports shall be signed by an authorized representative of the industrial user as defined in section 1.2 of this resolution.

### **Sec. 3.11. Signatory requirements.**

Reports and sworn statements required by this resolution shall be made by an authorized representative as defined in section 1.2 of this resolution. The reports and sworn statements which relate to the actual operation of or discharge from a pretreatment facility shall be prepared by or under the direction of a wastewater treatment plant operator certified under the provisions of 327 IAC 5-22, if the industrial user is required to have such a certified wastewater treatment plant operator.

If an authorization allowed under this section is no longer accurate due to changes in the person or position designated, a new authorization satisfying the requirements of this section shall be submitted to CWA Authority prior to or together with any applicable report.

### **Sec. 3.12. Violation of permit requirements.**

(a) In the case of noncompliance with industrial discharge permit limitations, standards or requirements, the industrial user shall contact the director within twenty-four (24) hours of knowledge of the noncompliance. The person representing the industrial user shall provide the following information:

- (1) Name of the company;
- (2) Facility location;
- (3) Limitation, standard or requirement in violation; and
- (4) Corrective actions taken to eliminate, prevent and/or minimize the violation.

(b) The industrial user shall provide a detailed written report describing the violation to CWA Authority. The report shall be submitted within five (5) working days subsequent to knowledge of the noncompliance incident. The director may grant an extension in writing to the report deadline in consideration of special circumstances. The report shall contain the following information:

- (1) Description of the discharge and cause of the violation;
- (2) Parameters in violation; and
- (3) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue and the steps being taken to reduce, eliminate and prevent recurrence of the noncomplying discharge or violation.

(c) Within thirty (30) days of knowledge of a violation from self-monitoring activities, the industrial user shall sample and analyze for the parameter(s) found in violation to demonstrate that compliance has been achieved. The results shall be submitted to CWA Authority on the appropriate self-monitoring report. Where the director has performed the sampling and analysis in lieu of the industrial user, the director must perform the repeat sampling and analysis unless he/she notifies the user of the violation and requires the user to perform the repeat analysis.

(d) A violation of a monthly average limitation that is derived from federal categorical pretreatment standards shall constitute a separate violation for each day the facility operates during a given month unless actual daily analyses are demonstrated to be less than the applicable monthly average limitation.

**Sec. 3.13. Discharge of hazardous wastes.**

Any industrial user which discharges a substance, which if disposed of otherwise would be a hazardous waste under 40 CFR Part 261, shall give prior written notification to the director, the Indiana Department of Environmental Management, and U.S. EPA Region V of such discharge, in accordance with the requirements of 40 CFR Part 261 and 40 CFR § 403.12(p).

**Sec. 3.14. Bypass.**

(a) The following definitions apply to this section.

- (1) *Bypass* means the intentional diversion of wastestreams from any portion of an Industrial user's treatment facility.
- (2) *Severe property damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. *Severe property damage* does not mean economical loss caused by delays in production.

(b) An industrial user may allow any bypass to occur which does not cause pretreatment standards or permit limitations or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. Such bypasses are not subject to subsections (c) and (d) of this section.

(c) Notice of bypass

- (1) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the director, if possible at least ten (10) days before the date of bypass.
- (2) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the director within twenty-four (24) hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the industrial user becomes aware of the bypass. The written submission shall contain the following:
  - a. A description of the bypass and its cause;
  - b. The duration of the bypass, including exact dates and times;
  - c. If the bypass has not been corrected, the anticipated time it is expected to continue; and
  - d. Steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

The director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

(d) Bypass is prohibited, and the director may take enforcement action against an industrial user for a bypass, unless:

- (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- (3) The industrial user submitted notices as required under subsection (c) this section.

(e) The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three (3) conditions listed in subsection (d) of this section.

#### **Chapter 4. Wastewater hauling.**

##### **Sec. 4.1. Wastewater hauler criteria.**

Any disposal of wastewater into the Sewage Disposal System must be performed by a registered Wastewater Hauler as provided for by resolution of CWA Authority and the Terms and Conditions of Service.

##### **Sec. 4.2. Registration.**

- (a) Any wastewater hauler must be registered with and receive a permit from CWA Authority.
- (b) Each wastewater hauler shall update the hauler's permit application as required by CWA Authority and shall include the following information:
  - (1) Proof of authorized use of each vehicle, including owner's name and legal address.
  - (2) Proof of a valid permit from IDEM issued pursuant to IC 13-18-12 or exemption, if applicable.
  - (3) Proof of insurance as specified in section 4.3 of this resolution.
  - (4) The wastewater hauler's legal address and legal business address, type of business, i.e., domestic and/or industrial wastewater hauler.
  - (5) The number of wastewater hauling vehicles, tank capacity in gallons of each vehicle or tote, and license and vehicle identification numbers of all vehicles.
  - (6) Any other information as may be deemed by the director to be necessary to evaluate the wastewater hauler's permit.
- (c) Each vehicle shall be equipped with a means to allow sampling of the wastewater in the tank or tote by CWA Authority personnel. Each vehicle must have the company name, address, telephone number, capacity in gallons, displayed in a manner similar to that required by IDEM.
- (d) After the application has been received and reviewed by the director, and has been determined to satisfy the conditions above, a permit shall be issued for a period not to exceed five

(5) years from date of issuance. CWA Authority may prescribe additional permit conditions, including but not limited to:

- (1) Approved charges and fees;
- (2) Limits on the wastewater characteristics;
- (3) Restrictions on the times and days of discharge;
- (4) Requirements for the completion, submittal and retention of customer receipts and other documents and reports related to wastewater hauling;
- (5) Type of wastewater allowed to be hauled and disposed of at POTW;
- (6) Location of approved discharge sites;
- (7) Any other condition as deemed appropriate by CWA Authority to assure compliance with this resolution.

(e) A wastewater hauler's permit is issued to a specific person at a specific location and does not constitute a property interest nor shall the permit be assigned, conveyed or sold to a new owner, different premises or new or changed operation.

#### **Sec. 4.3. Insurance required.**

Each wastewater hauler shall be furnish CWA Authority with a certificate of insurance from companies satisfactory to CWA Authority, evidencing coverage of not less than the following limits of liability and listing the department as an additional insured on a primary and non-contributory basis:

**Comprehensive Automobile Liability (including coverage for liability arising out of owned, non-owned and hired autos and for bodily injury and property damage):**

Each Accident	\$1,000,000
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The above insurance policy shall be endorsed to provide a thirty (30)-day written notice of cancellation to CWA Authority. The insurance coverage shall cover all work performed by the wastewater hauler while transporting and discharging wastewater and shall include, but not be limited to, liability arising out of disposal of any hazardous waste, spilled material on public property, and fines or any other costs incurred by CWA Authority as a result of the wastewater hauler's activities. CWA Authority shall be named as an additional insured. A certificate of such policies shall be delivered to CWA Authority prior to commencement of hauling. The insurance carrier shall give notice to CWA Authority at least thirty (30) days before such insurance is either canceled or not renewed, and the certificate shall state this obligation. Wastewater haulers permitted at the time of the effective date of this provision shall submit proof of adequate insurance coverage with the next permit application or upon expiration of their bond, whichever is sooner. Potential wastewater haulers applying for a permit subsequent to the effective date of this provision shall secure the proper insurance coverage at the time of filing.

#### **Sec. 4.4. Discharging procedures.**

(a) All discharging of wastewater from the wastewater hauler's tank or tote must be done at designated sites approved by CWA Authority. CWA Authority shall have the right to limit the hours of the day and the days of the week during which discharging shall be allowed, and has the

authority to revoke gate privileges for wastewater haulers that do not comply with the requirements of this Resolution.

(b) Any unpermitted discharging of wastewater into the POTW at any location under the jurisdiction of CWA Authority is prohibited unless approved by CWA Authority prior to discharging.

(c) CWA Authority may require any wastewater hauler to correct any defective equipment including hoses, valves, tanks, piping and permanent or flexible connections which may result in the leakage or spilling of wastewater from the vehicle. Defective equipment shall be repaired before the wastewater hauler is allowed to discharge at the site designated by CWA Authority.

(d) Any disposal of wastewater into the POTW must be performed by a wastewater hauler having the permit described in section 4.1. Disposal of domestic wastewater or restaurant grease trap waste requires no further approval. A wastewater hauler disposing of industrial or commercial wastewater must obtain special approval from the director.

#### **Sec. 4.5. Testing requirements.**

(a) The contents of all wastewater haulers' vehicles are subject to preliminary sampling and testing by CWA Authority before discharging into the approved site at CWA Authority's wastewater treatment facility. The test results on any sample must be within a specified range for the specific test parameters established by the CWA Authority in order not to inhibit the performance of the wastewater treatment plant into which the wastewater is discharged.

(b) The contents of any wastewater hauler's tank that do not pass the preliminary testing procedures will be subject to additional specific testing to determine the nature of the contents. If the contents of the tank are deemed by CWA Authority to be unsatisfactory for discharging into the wastewater treatment plant, the wastewater hauler must arrange for proper disposal of the tank contents. Until the director has determined that the conditions have been satisfied, the wastewater hauler is prohibited from using all designated disposal sites approved by CWA Authority.

(c) CWA Authority shall notify IDEM of the status of any wastewater hauler whose tank contents are determined to be unsatisfactory for discharging into a designated disposal site approved by the CWA Authority.

(d) CWA Authority may refuse to accept any wastewater if, after testing, it is deemed unsatisfactory for discharge into the wastewater treatment plant.

(e) The wastewater hauler shall reimburse CWA Authority for all costs associated with the treatment, testing and disposal of any prohibited wastes.

#### **Sec. 4.6. Administration procedures.**

(a) All wastewater haulers shall maintain accurate business records pertaining to wastewater hauling, available to the director, EPA, and IDEM upon request, including names, addresses, and telephone numbers of the generators of all wastewater being transported and/or disposed of, county of origin, type of waste, volume of waste, and disposal site, customer receipts required under subsection (b) of this section, and approvals, permits and certifications issued by federal, state and local authorities. All records required to be retained under Chapter 4 shall be retained for a minimum of three (3) years.

(b) The driver of each vehicle delivered to the wastewater treatment plant for discharging shall have dated customer receipts for each source of wastewater showing the names and addresses of the customers, the nature of the wastewater, amount of wastewater in gallons, wastewater hauler's name and legal business address and telephone number, and vehicle driver's name and shall be made available to CWA Authority upon request.

(c) All wastewater haulers shall compensate CWA Authority for the full cost of all sampling, laboratory analysis and treatment costs. Fees shall reflect the costs associated with sampling and testing, treatment and administering the program and shall be based on a fee schedule published by the CWA Authority.

(d) Whenever required to carry out the objectives of this resolution relating to the control of the discharging of wastewater or the collection of dump fees, CWA Authority shall have a right of entry to, upon or through any premises for purposes of inspection, measuring and sampling. This right of entry shall include, but not be limited to, any equipment necessary to conduct such inspections, measuring and sampling. It shall be the duty of the wastewater hauler to provide all necessary clearance before entry and not to unnecessarily delay or hinder the director in carrying out the inspection, measuring and sampling. The right of entry shall exist at any time.

#### **Sec. 4.7. Permit revocation.**

(a) CWA Authority may revoke, suspend or modify the permit for any of the following reasons:

- (1) A violation of any provision of this resolution or of any applicable state or federal statute or regulation related to wastewater hauling;
- (2) Failure to report the characteristics of any load, including the furnishing of false information or misrepresentation of any material fact related to wastewater hauling;
- (3) Refusal of reasonable access to the wastewater hauler's premises for the purpose of inspecting records, inspection, sampling or monitoring;
- (4) Noncompliance with any condition of the permit or special agreement entered into pursuant to the resolution.

(b) CWA Authority shall send written notice of facts underlying the proposed revocation, suspension or modification to the wastewater hauler.

(c) Upon receipt of a notice of proposed revocation, the wastewater hauler may appeal the notice in accordance with the procedure set forth in Section 1.21.

#### **Chapter 5. Effective date; formalities.**

##### **Sec. 5.1. Effective date.**

This resolution shall be effective upon passage by the board and thirty (30) days after publication of this resolution in accordance with IC 5-3-1.

Date of Original Adoption: April 13, 2011

First Amendment: December 12, 2012

Second Amendment: May 20, 2015

Third Amendment: February 15, 2017

Fourth Amendment: August 15, 2018

CWA Resolution 2-2011

Amended this 15 day of August, 2018 by a vote of  
9 ayes and 0 nays.

CWA AUTHORITY, INC.

BOARD OF DIRECTORS

  
\_\_\_\_\_  
President

Attest:

  
\_\_\_\_\_  
Secretary

Secretary