SEWER USE ORDINANCE

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ORDINANCE NO. 2010-A

KOONTZ LAKE REGIONAL SEWER DISTRICT

SEWER USE ORDINANCE

December 21, 2010

An Ordinance regulating the connection to and use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the sewer system of the Koontz Lake Regional Sewer District.

WHEREAS, in order for the Koontz Lake Regional Sewer District and its citizens, businesses, and industries to not unduly pollute any lakes, streams, or the subsurface ground waters in Koontz Lake and its environs, it is necessary for the District to maintain a sewer system for the collection and treatment of sewage and to adopt and to enforce regulations relating to such system and the use hereof by persons, businesses and industries interconnected with such system, and for the District to impose fees and charges for the use of such system so as to defray the costs and expenses hereof and to comply with applicable state and federal regulations and laws:

THE BOARD OF TRUSTEES OF THE KOONTZ LAKE REGIONAL SEWER DISTRICT, KOONTZ LAKE, INDIANA, THEREFORE ORDAINS AS FOLLOWS:

ARTICLE I

GENERAL

1.1 Definitions

Unless otherwise defined herein, terms shall be as adopted in the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association, and America Water Works Association, and the Water Pollution Control Federation and as set forth in 40 CFR 136. Waste constituents and characteristics shall be measured by Standard Methods unless a mutually agreed upon acceptable alternative method is adopted, or by such other method established by state or federal regulatory agencies. Monitoring and metering will be carried out by customarily accepted methods.

1.1.1 "Beneficial Users" – The users of water, including, but not limited to domestic, municipal, agricultural and industrial use, power generation, recreation, aesthetic enjoyment, navigation, and the preservation and

enhancement of fish, wildlife and other aquatic resources or reserves, and other users of water, both tangible and intangible, as specified by state and federal law.

1.1.2 "Board" - The Board of Trustees of the Koontz Lake Regional Sewer District. It is the governing body of the sewer system of the District, which system is a public service.

1.1.3 "Building Drain" - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer three feet outside of the building wall.

1.1.3.1 "Building Drain – Sanitary" - A building drain that conveys sanitary or industrial waste.

1.1.3.2 "Building Drain – Storm" - A building drain which conveys storm water or other clear water drainage, but not wastewater.

1.1.4 "Building Sewer" – That part of the horizontal piping which extends from the end of the building drain 3 feet outside the building wall and conveys waste to the public sewer. (The Building Sewer is often referred to as the "sewer lateral")

1.1.4.1 "Building Sewer – Sanitary" - A building sewer that conveys sanitary or industrial waste.

1.1.4.2 "Building Drain – Storm" - A building sewer that conveys storm water or other clear water drainage, but no sanitary or industrial sewage.

1.1.5 "CBOD" (*Carbonaceous Biochemical Oxygen Demand*) - a quantitative measure of the amount of dissolved oxygen required for the biological oxidation of carbon-containing compounds in a sample. For the purposes of the District's Sewer Use Ordinance, it shall be defined as written in the latest edition of Standard Methods for the Examination of Water and Wastewater ("Standard Methods").

1.1.6 "Clean Water Plant" - the wastewater treatment plant owned and operated by the District.

1.1.7 "COD" - (*Chemical Oxygen Demand*) - a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods."

1.1.8 "Compatible Pollutants" - Wastewater having or containing (a) measurable carbonaceous biochemical oxygen demand, (b) suspended solids, (c) fecal coliform bacteria, or (d) additional pollutants identified or defined in the National Pollutant Discharge Elimination System (NPDES) permit or by the State or Board.

1.1.9 "Constituents and Characteristics" - The chemical, physical, bacteriological or radiological properties, including volume, flow rate and such other properties which serve to define, classify or measure the contents, quality, quantity and strength of wastewater.

1.1.10 "District" - The Koontz Lake Regional Sewer District, Koontz Lake, Indiana.

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

1.1.12 "Garbage" - Any solid wastes from the preparation, cooking, or dispensing of food or from the handling, storage or sale of produce.

1.1.13 "Greywater" – Also known as sullage, is non-industrial wastewater generated from domestic processes such as dish washing, laundry, and bathing. Greywater composes 50-80% of residential wastewater.

1.1.14 "Incompatible Pollutants" - All pollutants that are not compatible pollutants.

1.1.15 "Industrial Wastes" - Any solid, liquid or gaseous substance or form of energy discharged, permitted to flow into or enter the sewer system or ground from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person and shall further mean any waste from an industrial user, but not including sanitary sewage or storm water.

1.1.16 "Infiltration" - The water entering the sewer system directly or via private sewers, building drains and building sewers connected therewith, from the ground, through such means as, but not limited to, defective pipe joints, connections, or manhole walls.

1.1.17 "Inflow" - Water other than wastewater entering the sewer system from sources such as leaders, cellar, yard area, and foundation drains, drains from springs and swampy areas, manholes, catch basins, cooling towers, storm water, surface runoff and street wastewater drainage.

1.1.18 "Inspector" - A person authorized by the District to perform inspection duties assigned by the District.

1.1.19 "Major Contributor" - A user discharging or introducing into the sewer system (a) a flow of more than 10,000 gallons per average workday, (b) a pollutant in toxic amounts as defined in § U.S. Public Law 92-500 as now adopted or as hereafter amended, (c) a flow or pollutant concentration as now or hereafter defined or identified as a problem pollutant or flow by applicable state or federal regulations or by the Board, (d) an effluent of significant impact, either singly or in combination with other contributors, on the wastewater treatment plant or the quality of its effluent, or (e) any substance unusual or unique in quality or quantity requiring special attention or processing in order to effect proper wastewater treatment.

1.1.20 "May" - The act referred to is both permissible and approved.

1.1.21 "Normal Domestic Sewage" - Sewage such as discharged by residential users, with a CBOD concentration not in excess of 290 mg/1 and a suspended solids concentration not in excess of 290 mg/1.

1.1.22 "NPDES Permit" (*National Pollutant Discharge Elimination System Permit* - The permit setting forth conditions for the discharge of any pollutant or combination of pollutants to the navigable waters of the United States pursuant to section 402 of Public Law 95-217.

1.1.23 "Nuisance" - Any substance which is injurious to health or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property.

1.1.24 "Person" - Any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other legal entity, or their legal representatives, agents or assigns.

1.1.25 "pH" - The conventional scientific measure of the degree of acidity or alkalinity.

1.1.26 "Pollution" - An alteration of the quality of water by waste, contaminants or pollutants to a degree which renders such water unfit for beneficial users.

1.1.27 "Public Sewer" - A sewer owned by the District, including but not limited to the following components:

a. **Collector Sewer**: A sewer the primary purpose of which is to collect wastewaters from individual point source discharges.

b. **Interceptor Sewer**: A sewer the primary purpose is to transport wastewater from collector sewers to a treatment facility.
c. **Force Main**: A pipe in which wastewater is carried under pressure.
d. **Pumping Station**: A pump station which collects wastewater and introduces it into a force main under pressure.
e. **Grinder Pump Station**: A pumping station which consists of a pump which grinds sewage into a fine slurry prior to introducing it into a force main under pressure.

1.1.28 "Sanitary Sewage" - Sewage such as, and having the characteristics of, normal domestic sewage from dwellings (including apartment houses and hotels), office buildings, factories, or institutions, free from storm and surface water and industrial wastes.

1.1.29 "Sanitary Sewer" - A sewer intended to carry only sanitary or sanitary and industrial waste waters from residences, commercial buildings, industrial plants and institutions.

1.1.30 "Sewer" - A pipe or conduit laid for carrying sewage or other liquids and solids suspended or entrained therein.

1.1.31"Sewer Lateral" - See definition for "Building Sewer".

1.1.32 "Sewer System" - The network of publicly owned sewers and appurtenances used for collection, transporting, and pumping wastewater to a wastewater treatment plant.

1.1.33 "Shall" - The act referred to is mandatory.

1.1.34 "Shredded Garbage" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in the sewer system, with no particle being greater than one-half (1/2) inch in any dimension.

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

1.1.36 "Suspended Solids" - Solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removed by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in Standard Methods.

1.1.37 "User" - A person who introduces into or discharges into, including both the owner and occupant of real estate from which it introduced or discharged into the sewer system, any substance whatever.

1.1.38 "User Classes"

1.1.38.1 "Residential User" - A user who introduces only normal domestic sewage from a single family or multifamily dwelling into the sewer system.

1.1.38.2 "Commercial User" - Transit lodging, retail and wholesale establishments or places engaged in providing merchandise for personal, household or industrial consumption and or rendering services to others.

1.1.38.3 "Institutional User" - A public or privately owned school, hospital, nursing home, prison, or other similar institution whose wastes are segregated domestic wastes.

1.1.38.4 "Governmental User" - A user engaged in legislative, judicial or administrative activities of federal, state and local governments, such as court houses, police and fire stations, town halls and similar governmental users.

1.1.38.5 "Industrial User" - Any user who discharges industrial wastes, as defined in Section 1.1.15 of this Ordinance.

1.1.39 "Waste" - Sanitary sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, processing, manufacturing, or industrial operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

1.1.40 "Wastewater" - The water-carried waste from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm water as may be present.

1.2 Bylaws and Regulations of the Koontz Lake Regional Sewer District

The Koontz Lake Regional Sewer District has adopted Bylaws and may adopt and enforce such additional reasonable regulations not in conflict herewith as it may deem necessary for the safe, economical and efficient management of the District's sewer system and for the construction and use of building sewers and

connections to the sewer system, which regulations may include limitations of or prohibition of introduction of or infiltration by storm water, surface water, and ground water into the sewer system.

1.3 Damaging, Defacing District Property

A person shall not maliciously, willfully or recklessly break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the District's sewer system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

1.4 Right of Entry of Inspector to any Premises

The Inspector or other duly authorized employee of the District, upon reasonable notice to any person who is owner, tenant, or occupant of any real estate, is empowered to enter, upon presentation of proper credentials, all premises for the purpose of inspection, observation, measuring, sampling and testing water, sewage, and industrial waste.

1.5 Failure to Comply with the Terms of this Ordinance

1.5.1 Accidental Discharges - A user shall notify the District Board President, or his designee, immediately upon accidentally discharging chemicals, corrosive substances, or anything harmful to the sewer system or treatment process, or wastewaters in violation of this Ordinance, to enable countermeasures to be taken by the District to minimize damage to the sewer system, treatment processes and the receiving stream.

This notification shall be followed within seven (7) days of the date of occurrence by a detailed written report, signed by the user, describing the causes of the accidental discharge and the measures being taken to prevent future similar occurrences.

Such notification will not relieve users of liability for any expense, loss or damage to the sewer system, wastewater treatment plant, or treatment process, or any fines or penalties imposed by the Board, which expense, loss or damage shall be paid for by the user.

A notice shall be furnished and prominently posted advising designated responsible employees of a commercial or industrial user to call the District Board President in case of accidental discharge in violation of this Ordinance.

1.5.2 Continued Failure to Meet Wastewater Admissibility Requirements or the Terms of Major Contributor Permits - The District shall have the following methods of recourse in the event of repeated or willful failure by a user to meet

the wastewater admissibility requirements of this Ordinance. In addition, the District shall have and may exercise all other legally available remedies.

1.5.2.1 Submission of Time Schedule - When the District finds that a discharge of wastewater has been taking place in violation of the admissibility requirements prescribed in this Ordinance or the provisions of a major contributor permit, the District may require the user to submit for approval a detailed time schedule of specific actions, acceptable to the District, which the user shall take in order to prevent or correct a violation of requirements.

1.5.2.2 Issuance of Cease and Desist Orders - When the District finds that a discharge of wastewater has taken place or is likely to take place in violation of the admissibility requirements of this Ordinance, or of a major contributor permit, the District may issue an order to cease and desist, and may direct that the user not complying with such requirements (a) comply forthwith, (b) comply with a time schedule set forth by the District, or (c) take appropriate remedial or preventive action.

1.5.2.3 Injunction - When the District finds that a discharge of wastewater is in violation of the admissibility requirements of this Ordinance or the provisions of a major contributor permit, or otherwise causes or threatens to cause a condition of pollution or nuisance, the Board, on behalf of the District, may petition any court of proper jurisdiction for the issuance of a preliminary or permanent injunction or both, as may be appropriate, in restraining the continuance of such a discharge.

1.5.2.4 Termination of Service - The District may revoke any major contributor permit or terminate or cause to be terminated wastewater service in whole or in part if a violation of any provisions of this Ordinance or the major contributor permit is found to exist, or if a discharge causes or threatens to cause a condition of pollution or nuisance as defined in this Ordinance, or causes the District to violate the terms of its NPDES Permit or any State or Federal law or regulation.

1.5.2.5 Administrative Appeals - Any user affected by any decision, action, or determination, including cease and desist orders, made by the District, interpreting or implementing the provisions of this Ordinance, any permit issued herein, or any action, decision, or regulation of the District adopted pursuant hereto, may file with the District a written request for review

and reconsideration within ten (10) days of such a decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

The appeal shall, if reasonably possible, be heard by the District within thirty (30) days from the date of filing. The District's decisions, actions, or determination shall remain in effect during such period of reconsideration, unless the District otherwise determines on request of the user.

1.5.3 General Penalties; Continuing Violations - The commission of any act prohibited by this Ordinance or by lawful order of the District or lawful order or regulation of the Board, or the failure to perform without lawful justification any lawful order of the Inspector or lawful order or regulation of the Board shall be a punishable violation of this Ordinance for which, unless there is another specific penalty provided, the penalty shall be as defined in Appendix A of the current District Rate Ordinance. In the case of discharge into the sewer system in violation of this Ordinance or any valid order or regulation of the Board, each day of violation constitutes a separate offense.

1.6 Falsifying of Information

A person shall not knowingly make or submit to the District a false statement, representation, record, report, plan, or other document required to be filed hereunder or under a duly adopted regulation of the Board, or voluntarily filed with the intent that the District rely thereon, or falsify, tamper with, or knowingly render inaccurate any monitoring, testing, measuring, or timing device required to be installed under these regulations. A person shall not, during any monitoring or surveillance period, alter industrial processes or other activities for the purpose of rendering samples drawn or measurements taken during said monitoring or surveillance unrepresentative or uncharacteristic of normal operations, flows or concentrations of pollutants.

ARTICLE II

CONNECTION TO SEWER SYSTEM

2.1 Privies, Septic Tanks, Cesspools, etc.

Except as otherwise provided by this Ordinance, a person shall not construct or maintain a privy, septic tank, cesspool, French drain, drywell, or other facility intended or used for the disposal of sanitary sewage, and all existing facilities must be permanently sealed pursuant to local County Health Department requirements, or in accordance with regulations established by the District.

2.2 When Connection to the Public Sewer System is Required

Those parcels of land which contain houses or other buildings used for human occupancy, employment, recreation or other purposes situated **entirely** within the District Boundary shall be required to connect to the District Sewer (except as exempted in IC 13-26-5-2.5).

Those parcels of land which contain houses or other buildings used for human occupancy, employment, recreation or other purposes situated **partially** within the District Boundary shall be required to connect to the District Sewer (except as exempted in IC 13-26-5-2.5) provided there is an available public sanitary sewer within three hundred (300) feet of the nearest foundation wall of a building utilizing a private sanitary sewer.

Any person constructing a new house or other new building for occupancy, employment, recreation, industrial or commercial activity shall be required to connect to the District Sewer if the parcel of land is located entirely within the District Boundary or if the parcel of land is located partially within the District boundary and there is an available public sanitary sewer within three hundred (300) feet of the nearest foundation wall of a proposed building that will utilize a private sanitary sewer.

All required connections shall be made in accordance with the provisions of this Ordinance and shall not discharge sewage elsewhere.

No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the local Health Officer.

2.3 Requirements for Connection to Public Sewers

No person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereto without first obtaining a written permit from the District.

There shall be two classes of required building sewer permits: (1) for residential and commercial service; and (2) for service to establishments producing industrial waste. In either case, the owner or his agent shall make application on a form furnished by the District.

The permit application shall be supplemented by any other information submittals as outlined in the "Guidelines for Building Sewer Construction". All permit fees, inspection fees, and any other required connection charges are as defined in Appendix A of the current District Rate Ordinance, and shall be paid to the District at the time the application is filed with the District.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner or the person installing the building sewer for said owner shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by said installation.

The District is not liable for connections and hookups that the District has approved but that have nonetheless failed. All liability for failed connections is the sole and separate responsibility of the owner and/or the contractor hired by the owner to make the connection.

2.3.1 Determining Major Contributors - Each commercial and industrial user shall supply the District with information about expected wastewater constituents and characteristics to be used in determining whether or not the user will be a Major Contributor. Each such user may be required to complete forms supplied by the District as part of the regulations concerning connection to the public sewer.

2.3.2 Separate Sewer Requirements - A separate and independent building sewer shall be provided for every building except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway. In such cases, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

2.3.3 Use of Old Building Sewer for a New Building (or House) - Old building sewers may be used in connection with new buildings (or houses) only when they are determined, upon examination and test by the Inspector, to meet all requirements of this Ordinance or regulations adopted by the District.
All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the District.

2.3.4 Connection of Downspouts, Drains, etc. - No person shall hereafter maintain, connect or reconnect roof downspouts, footing drains, areaway drains, driveways, parking lots, groundwater sump pumps, geothermal water, surface runoff collectors, or other sources of surface, runoff or groundwater which are connected to a building sewer or building drain which is in turn connected directly or indirectly to the public sewer.

2.3.5Inspection; Supervision of Connection - The applicant for the building sewer permit shall notify the District or its designated representative when a building sewer is ready for inspection and connection to the sewer system. The connection shall be made under the supervision of the Inspector or his representative using materials and techniques conforming to the requirements of

the District. The applicant shall give notice as determined by the District before the burial or covering of the lateral sewer and shall not cover or bury the sewer until the inspection is completed and the connection approved.
No Building Sewer shall be placed into service until a Certificate of Approval has been issued by the District that certifies that the building sewer, and any appurtenances, has passed final inspection and the building is accepted for service by the District.

2.3.6Connection Charges and Other Requirements for Connection to Public Sewer -
No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until the owner has satisfied their obligation to pay all assessments and accumulated debt service, reimbursements or pro rata share of sewer extension costs laid against that property for public sewer installed to serve it. A permit given in error or sewer service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.
The District shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation or groundwater. Property owners shall have thirty days after notice to comply with any such requirements. The District shall not authorize any permit that will cause excess flow, CBOD and/or Suspended Solid loading of the wastewater treatment plant, force mains, lift stations or sewers.

2.3.7 Greywater Drains – All greywater drains are required to be properly installed, placed and connected to the sewer system. The District Inspector may enter a home or building with reasonable notice to confirm all greywater drains are properly connected to the system.

2.4 Extensions Outside of the District

A person shall not directly or indirectly make any connections with or openings into the public sewer for the purpose of serving any areas outside the boundaries of the District service area without first securing a specific resolution of the District describing the real estate and property to be served and authorizing such connection.

2.5 Connections to Sewer System by Certain Out-of-District Properties

Notwithstanding other provisions of this Ordinance, the District shall have the authority, but is not required, to permit a property located entirely outside the boundary of the District to connect to an existing sewer which is part of the District's sewer system.

2.6 Prohibition of Discharge

2.6.1 To Natural Outlets - It shall be unlawful to discharge to any natural outlet within the District or in any area under the jurisdiction of the District, any sewage or other polluted waters except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance.

2.6.2 To Sewage System - The District is hereby authorized to prohibit dumping of wastes into the District's sewage system which, in its discretion, are deemed harmful to the operation of the District sewage treatment works, or to require method affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollutant Discharge Elimination System (NPDES) permit issued to the District or as contained in the EPA General Pretreatment Regulations 40 CFR Part 403 and any amendments thereto or the District's Pretreatment Program Plan.

2.7 Right to Prohibit New Connections

The District shall have the right to prohibit new connections when the excess capacity of the sewer system is deemed insufficient by the Board to accommodate the expected flow, CBOD and/or Suspended Solids loading from the prospective sewer user, or when there is any damage anticipated to the existing sewage system.

2.8 Approval of Plans and Specifications

Plans and specifications for any proposed sewer extension, lift stations or force main to be connected to the District's sewer system shall be submitted to the District ninety (90) days in advance of scheduled construction and must further comply with the conditions of this Ordinance and other regulations established by the District. Said plans and specifications shall be approved by the District prior to start of construction of any facilities

2.8.1 Inspection - All new facilities shall be inspected by the District Inspector during construction of the facilities to assure conformance to the plans and specifications and an acceptable system. This inspection must include presence of the Inspector when the infiltration test and pressure test is performed so the inspector can attest to proper conformance of the test. A minimum of seven (7) days notice of commencement of air testing and mandrel testing is required.

2.8.2 Inspection Fees - A fee shall be assessed to cover the review of plans and specifications and inspection of the new facilities. Such charge is due and payable at the time the plan and specifications are submitted for review. The charges shall be as defined in Appendix A of the current District Rate Ordinance.

2.9 Acceptable Material for Building Sewers, Service Laterals, Sewer Pipes and Grinder Pumps

All materials, equipment, and installation methods to be used in the connection to the public sewer shall conform to the District Guidelines for Building Sewer Construction.

2.10 Grinder Pumps

2.10.1 Installation - Grinder pump stations shall be located within proper easements or rights-of-way with clear, unobstructed view from the nearest roadway. Connection of pumping unit shall include check valves and plug valves in the discharge line. The District shall own and provide the acceptable grinder pump station.

2.10.2 Private Pumping Stations - If the property owner requires a private pump station to lift wastewater to the District owned grinder pump, the private pump shall meet the following requirements: (a) The private pump shall be owned and maintained by the property owner; (b) The private pump shall be capable of handling wastewater solids or should be a grinder pump; (c) The private pump shall not exceed 14 gallons per minute (gpm).

2.10.3 Easements - If a property owner within the District plans to build across the property line adjoining two lots within an existing easement, and a grinder pump is located in that easement, the following is required: Prior to construction the property owner shall convey to the District a new easement satisfactory to the District to protect the public sewer system and allow access. The new easement shall be executed and recorded prior to issuance of a building sewer permit. The new easement and legal description will be at the expense of the property owner on forms acceptable to the District.

2.10.4 Grinder Station Accessibility - Property owners shall not plant trees, flowers, shrubs or other plantings that interfere with the grinder pumps or collection system. There shall be no plantings on the side of the pump facing the nearest road. The purpose of this requirement is to provide accessibility for servicing and to promote visibility of the visual alarm from the roadway. Any plantings that as they mature encroach within five (5) feet of the grinder pump station are subject to trimming by the District at the owner's expense. No structures shall be built or located within five (5) feet of a grinder pump.

ARTICLE III

WASTEWATER ADMISSIBILITY

3.1 Major Contributor Permits

Any industrial user and any other user on demand of the District shall provide sufficient information to determine if the user is a major contributor. Any user determined to be a major contributor shall be required to obtain a permit which describes the wastewater constituents and characteristics allowed and which sets forth the applicable surveillance schedule and the monitoring requirements the user shall be subject to in order to discharge into the sewer system. A major contributor permit shall be valid for four (4) years unless processing changes are made that, in the opinion of the District, alter the wastewater constituents and characteristics significantly. In the event of such a change, a new application shall be filed accordingly. A permit may be renewed without re-application at the end of four (4) years at the discretion of the District.

Nothing in a major contributor permit shall constitute an exception to the prohibitions and limitations on wastewater admissibility as set forth herein. Major contributors are subject to all applicable fees, rates, and charges set forth in the District Rate Ordinance.

3.2 Major Contributor Permit Applications and Fees

Major contributors shall make application for the proposed discharge on a form provided by the District. The permit application shall be supplemented by any plans, specifications, studies or other information considered pertinent by the District. Permit fees for major contributors shall be as defined in Appendix A of the current District Rate Ordinance.

3.3 Surveillance of Major Contributors

The surveillance period will normally be for a period of seven (7) consecutive days, but can be of longer or shorter duration at the discretion of the District. In cases where the surveillance period extends for a greater number of consecutive days than seven (7), the District shall have the prerogative of selecting the seven (7) consecutive days of its choice for establishing rates and charges as provided for in this Ordinance.

3.3.1 Surveillance Survey Charge - The charge for each surveillance survey shall be as defined in Appendix A of the current District Rate Ordinance. Where the industrial user has an ongoing pretreatment facility or system approved by the State or by the District, there will be no surveillance fee unless the District finds that the user having such a pretreatment facility

or system has repeatedly violated the effluent standards applicable to such user.

3.4 Monitoring of Major Contributors

A major contributor shall install at its own expense (a) a suitable control manhole or other access means, together with such necessary appurtenances in or on each building lateral sewer to facilitate observation, sampling and measurement of the wastewater, and (b) such sampling devices as may be reasonably necessary, unless otherwise instructed by the District. Such manholes or other access means and sampling and testing devices shall be constructed and maintained to the District's satisfaction at the expense of the user, but shall be under the control of the District.

The District may provide monitoring equipment during a surveillance period for control manholes or other access means.

Monitoring equipment may include a device for automatically measuring flow and a device for automatically taking a composite sample of wastewater during a twenty-four hour period.

3.5 Limitations on Point of Discharge

No person shall discharge any substance directly into a manhole or other opening in the sewer system other than through the approved building sewer, except in accordance with the terms of this Ordinance or by express permission of the District.

3.6 Licensed Commercial or Industrial Waste Hauling

A person who is a licensed commercial or industrial waste hauler shall not discharge compatible pollutants and those incompatible pollutants within the limits of admissibility set out herein to the wastewater treatment plant at any time or place; however, the District may accept such discharge if it elects in given cases to do so.

3.7 Special Agreements

Special agreement and arrangements between the District and any person within Starke or Marshall County may be established by the District within the terms and intent of this Ordinance when, in the opinion of the District, unusual or extraordinary circumstances compel special terms and conditions whereby unusual wastewater may be accepted for treatment, subject to payment of applicable fees.

3.8 Admissibility - Prohibitions on Discharge

No person shall discharge to the sewer system wastes which cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

3.8.1 - a fire or explosion;

3.8.2 - obstruction of flow in the sewer system or damage to the wastewater collection, treatment, or disposal facilities;

3.8.3 - danger to life or safety of District personnel, or the public;

3.8.4 - a nuisance or hindrance to the effective maintenance or operation of the sewer system, collection, treatment, or disposal facilities;

3.8.5 - air pollution by the release of toxic or unusually malodorous gases or toxic or malodorous gas-producing substances;

3.8.6 - interference with the wastewater treatment process;

3.8.7-interference with the District's wastewater treatment plant's effluent or any other product of the treatment process, residue, sludges, or scum, to be unsuitable for reclamation, disposal, or to interfere with the reclamation process, or fail to meet any of the limitations set by any Federal or State agency or the terms of the District's NPDES Permit;

3.8.8-discoloration or any other condition that interferes with control of the treatment process.

3.9 Admissibility - Prohibition of Unpolluted Waters

Unpolluted waters, including, but not limited to, cooling water, process water or blowdown from cooling towers or evaporative coolers, shall not be discharged through direct or indirect connection to the sewer system for purposes of diluting wastewater in order to reduce sewer rates or charges of the user. Limitations on the amount of unpolluted water that is discharged shall be part of a major contributor's permit.

3.10 Admissibility - Limitations on Radioactive Waste

No person shall discharge or cause to be discharged any radioactive waste into the sewer system.

3.11 Admissibility - Limitations on the Use of Garbage Grinders

Only properly shredded garbage, as defined in paragraph 1.1.34, may be discharged into the sewer system.

3.12 Admissibility - Limitations on Wastewater Strength

All constituents and characteristics which singly or in combination may damage structures, impair the operation of the wastewater treatment plant, interfere with treatment process or impair the quality of the receiving stream or its tributaries are prohibited, but not limited to, the following constituents and characteristics, with maximum concentration as shown below:

3.12.1 A person shall not discharge any wastewater with CBOD concentrations greater than 290 mg/l, or suspended solids concentration greater than 290 mg/l, unless review and written acceptance by the District is obtained prior to the discharge into the public sewers.

3.12.2 A person shall not discharge any wastewater containing in excess of:

a. a temperature higher than 40 °C (104°F);

b. a pH lower than 6.0 or higher than 9.5;

c. 0.013 mg/l cadmium;

d. 0.90 mg/l arsenic;

e 1.5 mg/l total chromium;

f. 3.0 mg/l copper;

g. 0.83 mg/l cyanide;

h. 0.14 mg/l lead;

i. 0.10 mg/l mercury;

j. 0.38 mg/l nickel;

k. 0.28 mg/l silver;

l. 3.10 mg/l zinc;

m.6 mg/l phosphorous (total P);

n .40 mg/l ammonia (as NH_3N);

o. Any water or waste containing total oil and grease (biodegradable animal and vegetable fats, oil, waxes and greases and non-biodegradable hydrocarbon oils and greases), whether emulsified or not, in excess of 300 mg/l daily maximum containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit or zero (0) and sixty-five (65) degrees Celsius, however, the hydrocarbon portion of the total oil and grease concentration may not exceed one hundred (100) mg/l;

p. 0.5 mg/l phenolic compounds unless it can be proven to the District that they can be removed by the District's wastewater treatment process;

q. any of the above, a through p, in other concentration than stated above if applicable State or Federal regulations, or regulations of the District set different maximum concentrations;

r. any other substance or concentration thereof prohibited to all users or classes of users by State or Federal law, or regulation now or hereafter adopted by the Board.

3.12.3 The limitations imposed in 3.12.2 (a) through (p) are found by the District to be those attainable by the best current practical technology. Limitations adopted by the District shall in all cases be based on the best practical technology.

3.13 <u>Grease, Oil and Sand Interceptors</u>

Interceptors shall be provided at (a) all restaurants, and at (b) all industrial or commercial enterprises when, in the opinion of the District, they are necessary to contain grease, flammable wastes or sand and other harmful inert materials. All interceptors shall be approved by the District and shall be readily and easily accessible for cleaning and inspection. Such interceptors shall be installed and maintained continuously in satisfactory and effective operating condition by the user at their own expense.

3.14 <u>Liability for Maintenance of Pretreatment and Other Equipment</u>

Where pretreatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective

operation by the users at their expense, and shall at all reasonable times be open to inspection and testing by the District.

3.15 Right to Reject Waste

The District shall have the right to reject waste and prohibit the introduction of rejected waste into the public sewer or the District may require pretreatment of the waste when the strength or character of the waste is such that it could cause damage to or interfere with the operation of the public sewer. When pretreatment is necessary, the pretreated wastes must meet the restrictions contained in The Environmental Protection Agency Pretreatment Standard (40 CFR 403).

3.16 Terminating Sanitary Sewer Service to Property

The owner of record of the parcel currently connected to the public sewer may petition the District to terminate the connection to the public sewer.
The properties eligible for the termination must meet one of the following criteria:

a. The property no longer contains a habitable structure;

b. The property has a structure which has been declared un-inhabitable by the local county health department and is no longer inhabited.

If the owner agrees to have the service to the property terminated the District will record the signed affidavit and cross reference the document to the deed for the property.

The connection shall be terminated at the owner's expense in a manner acceptable and approved by the District.

If the property owner wishes to reconnect to the public sewer the reconnection fee established in Appendix A of the current District Rate Ordinance shall be paid.

ARTICLE IV

SEWER CHARGES, SURCHARGES AND SERVICE FEES

4.1 Metering of Sewage

The District may require a user to install and maintain at the user's expense an approved device to measure directly the volumes of wastewater discharged to

the public sewer for the purpose of establishing an appropriate rate as outlined in Appendix A of the current District Rate Ordinance. The District shall inspect and approve such installations and no such service, once installed, shall be removed without the District's approval.

4.2 Surcharge Based on Flow and Concentration of Wastewater

All wastewater discharged by major contributors shall meet the admissibility standards of this Ordinance, by pretreatment, if necessary, as determined by the District.

ARTICLE V

EFFECTIVE DATE AND SEVERABILITY

5.1 Effective Date

The provisions of this Ordinance shall be in full force and effect forthwith upon its passage and signing by the Board and publication according to law.

5.2 Severability

The invalidity of any action, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

5.3 Repeal of Other Ordinances

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Passed and adopted by the Board of the Koontz Lake Regional Sewer District on the 21st day of DEC. 2010.

Paul M. Warnke, President

Charles J. Tilleman, Vice President

Michael B. McKenna, Treasurer

Robert S. Aloi, Secretary

Tom G. Camire, Member

David McCallum, Member

Tom Vild, Member