

ORDINANCE NO. 2011-2

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 public sewer system of the Montgomery County Regional Sewer District, and providing penalties for violations thereof.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE MONTGOMERY COUNTY REGIONAL SEWER DISTRICT:**

**ARTICLE I. DEFINITIONS.**

**Section 1.01. Defined Terms.** Unless the context specifically indicates otherwise, whenever used in this Ordinance, the meaning of the following capitalized terms shall have the meanings set forth below:

"*Board*" shall mean the Board of Trustees of the Montgomery County Regional Sewer District.

"*Building Drain*" shall mean 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 the building and conveys it to the Building Sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

"*Building Sewer*" shall mean the extension from the Building Drain to the Public Sewer.

"*District*" shall mean the Montgomery County Regional Sewer District.

"*Easement*" shall mean an acquired legal right for the specific use of land owned by others, including but not limited to right of access to the property's Building Sewer for the purposes of cleaning and inspection.

"*Natural Outlet*" shall mean any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"*Person*" shall mean any individual, firm, company, association, society, corporation or group.

"*Public Sewer*" shall mean a common Sewer controlled by a governmental agency or public utility.

"*Sanitary Sewer*" shall mean a Sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

"*Sewage*" is the spent water of a community. The preferred term is "Wastewater."

"*Sewer*" shall mean a pipe or conduit that carries Wastewater.

"*Storm Drain*" shall mean a drain for conveying storm water, groundwater, subsurface water or Unpolluted Water from any source.

"*Unpolluted Water*" is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would

not be benefited by discharge to the Sanitary Sewers and Wastewater treatment facilities provided.

"*Wastewater*" shall mean the liquid- and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated.

"*Wastewater Facilities*" shall mean the structures, equipment and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent.

**Section 1.02. "Shall" and "May".** Whenever used herein, the verb "shall" is mandatory, and the verb "may" is permissive.

## **ARTICLE II. USE OF PUBLIC OR PRIVATE SEWERS REQUIRED**

**Section 2.01. Unsanitary Waste Deposits Prohibited.** It shall be unlawful for any Person to place, deposit, or permit to be deposited any human or animal excrement, garbage or objectionable waste in any unsanitary manner on public or private property within the jurisdiction of the District.

**Section 2.02. Discharge of Untreated Wastewater Prohibited.** It shall be unlawful to discharge any Wastewater or other polluted waters to any Natural Outlet within the jurisdiction of the District, except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

**Section 2.03. Private Wastewater Disposal Facilities Restricted.** Except as expressly provided in this Ordinance, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility within the jurisdiction of the District intended or used for the disposal of Wastewater.

**Section 2.04. Connection to Sanitary Sewer Required; Exceptions.**

- (a) The owner of any house, building or structure used for human occupancy, employment, recreation or other purposes, situated within the jurisdiction of the District and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public Sanitary Sewer of the District, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities via the Building Sewer to the proper Public Sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice from the District to do so, provided that said Public Sewer is within three hundred (300) feet of the owner's property line. As a condition of connection to a Public Sewer, the owner shall grant a right of access Easement to the District for the purpose of inspection.
- (b) Notwithstanding subsection (a) above, if on the date that a Public Sewer first becomes available to him, the owner of any single-family dwelling has a properly functioning private septic system serving such dwelling, which meets the requirements of applicable State laws and regulations governing residential on-site Sewage systems, such owner shall not be required to connect such dwelling to the Public Sewer
  - (i) If the private septic system of a single-family dwelling fails or ceases to meet the requirements of applicable State laws and regulations governing residential on-site Sewage systems, such septic system may be repaired or replaced at the owner's

expense, subject to permitting and approval by the Montgomery County Health Department.

- (ii) If the Montgomery County Health Department determines that the septic system serving a single-family dwelling has failed or ceased to meet the requirements of applicable State laws and regulations, and if such Department further determines that the septic system cannot be repaired or replaced so as to meet such requirements, then the owner of such dwelling shall connect it to the Public Sewer within ninety (90) days after date of official notice from the District to do so. In such event, the owner shall at his expense disconnect, pump out and fill the septic tank with sand or other approved material in accordance with applicable State laws and regulations.
- (c) The owner of any house, building or structure used for human occupancy, employment, recreation or other purposes, for which a building permit is issued after the effective date of this Ordinance and which is situated within the jurisdiction of the District and abutting on any street, alley or right-of-way in which there is a public Sanitary Sewer of the District, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities via the Building Sewer to the proper Public Sewer in accordance with the provisions of this Ordinance prior to occupancy of such house, building or structure, provided that said Public Sewer is within three hundred (300) feet of the owner's property line. As a condition of connection to a Public Sewer, the owner shall grant a right of access Easement to the District for the purpose of inspection.

**Section 2.05. Where Public Sanitary Sewers Not Available.** Where a public Sanitary Sewer is not available under the provisions of Section 2.04(a) above, the Building Sewer shall be connected to a private Wastewater disposal system meeting the requirements of applicable State laws and regulations, subject to permitting and approval by the Montgomery County Health Department.

### ARTICLE III. BUILDING SEWERS AND CONNECTIONS

**Section 3.01. Unauthorized Connections Prohibited.** No unauthorized Person(s) shall uncover, make any connections or disturb any Public Sewer or appurtenances thereof without first obtaining a written permit from the Montgomery County Building Department, acting on behalf of the District. Such permission shall be subject to the existence of sufficient hydraulic and/or treatment capacities of the Wastewater treatment facilities, as determined by the District.

**Section 3.02. Building Sewer Permits.** There shall be three (3) classes of Building Sewer permits, which shall be: (i) single-family residential, (ii) multi-family residential, and (iii) commercial/industrial (which shall include all non-residential uses). The owner(s) or his agent shall make application for a Building Sewer permit to the Montgomery County Building Administrator on a form approved by the District. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Building Administrator. At the time the application is filed, permit and inspection fees shall be paid to the Montgomery County Building Department as follows:

- (a) Single-family residential:     \$ 50.00
- (b) Multi-family residential:       75.00
- (c) Commercial/industrial:       125.00

**Section 3.03. Installation and Connection Costs.** All costs and expenses incidental to the installation and connection of the Building Sewer to the Public Sewer shall be borne by the owner(s). The owner(s) shall indemnify the District from any loss or damage that may directly or indirectly be occasioned by the installation of the Building Sewer.

**Section 3.04. Separate Connections; Exception.** A separate and independent Building Sewer shall be provided for every building, except where a garage or other outbuilding stands at the rear of a single-family dwelling, in which case the Building Sewer from the dwelling may be extended to the outbuilding and the whole considered as one Building Sewer, provided that the District does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection.

**Section 3.05. Connection Standards.** The size, slope, alignment, materials of construction of a Building Sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to all applicable criteria under local, State or federal law. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in applicable provisions of Manual of Practice No. FD-5 *Gravity Sanitary Sewer Design and Construction*, 2<sup>nd</sup> Edition, published jointly by the Water Environment Federation (WEF) and American Society of Civil Engineers (ASCE), shall apply.

**Section 3.06. Residential Well Meters.** Owners of single-family residences who elect to have their user charges calculated in part based upon actual water consumption shall be responsible for purchasing, installing and maintaining an approved water meter, and making such meter available for reading and inspection by the Districts agents or employees during normal business hours.

- (a) Water meters for single-family residences shall be Elster AMCO Model C700 positive displacement meters (with display in gallons), or equivalent as approved by the District.
- (b) Compatible remote reading devices approved by the District may be purchased, installed and maintained at the owner's expense.

**Section 3.07. Building Sewer Elevations.** Whenever possible, the Building Sewer shall be brought to the building at an elevation below the basement floor. In any buildings in which any Building Drain is too low to permit gravity flow to the Public Sewer, sanitary Sewage carried by such Building Drain shall be lifted by an approved means and discharged to the Building Sewer.

**Section 3.08. Non-Wastewater Discharges Prohibited.**

- (a) No Person(s) shall make connection of roof downspouts, foundation drains, areaway drains, sump pumps, basement or yard drains, or other sources of surface runoff or groundwater to a Building Sewer which in turn is connected directly or indirectly to a public Sanitary Sewer.
- (b) Any such connection to a private Sewage disposal system which existed prior to the availability of Public Sewers shall be removed from the Building Sewer prior to the connection with the Public Sewer.

**Section 3.09. Applicable Codes.** The connection of the Building Sewer into the Public Sewer shall conform to the requirements of applicable local building codes or other applicable rules and regulations of the District and of Montgomery County, Indiana. In the absence of applicable code provisions or in amplification thereof, the materials and procedures set forth in applicable

provisions of Manual of Practice No. FD-5 *Gravity Sanitary Sewer Design and Construction*, 2<sup>nd</sup> Edition, published jointly by the WEF and ASCE, shall apply. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Montgomery County Building Administrator before installation.

**Section 3.10. Inspections.** The applicant for the Building Sewer permit shall notify the Montgomery County Building Administrator when the Building Sewer is ready for inspection and connection to the Public Sewer. The connection and testing shall be made under the supervision of the Building Administrator or his representative. The applicant shall provide access to all structures (and areas of structure) to the Building Administrator for the purpose of establishing compliance with the provisions of this Article.

**Section 3.11. Excavation Safety.** 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 Building Administrator.

#### ARTICLE IV. USE OF THE PUBLIC SEWERS

**Section 4.01. Harmful Substances.** If any waters or wastes are discharged or are proposed to be discharged to the Public Sewers, which waters contain the substances or possess the characteristics enumerated in Section 5.04 below and/or which, in the judgment of the District, may have a deleterious effect upon the Wastewater Facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- (a) Reject the wastes;
- (b) Require Pretreatment to an acceptable condition for discharge to the Public Sewers;
- (c) Require control over the quantities and rates of discharge; and/or
- (d) Require payment to cover added cost of handling and treating the wastes not covered by existing Sewer charges.

**Section 4.02. Evaluation of Alternatives.** When considering the above alternatives, the District shall give consideration to the economic impact of each alternative on the discharger. If the District permits the Pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District.

**Section 4.03. Facilities for Observation and Sampling.** When required by the District, the owner of any property serviced by a Building Sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the Building Sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the District. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

**Section 4.04. Information and Reports.** The District may require a user of Sewer services to provide information needed to determine compliance with this Ordinance. These requirements may include:

- (a) Wastewaters discharge peak rate and volume over a specified time period;
- (b) Chemical analyses of Wastewaters;
- (c) Information on raw materials, processes and products affecting Wastewater volume and quality;
- (d) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to Sewer use control;
- (e) A plot plan of sewers of the user's property showing Sewer and Pretreatment facility location;
- (f) Details of Wastewater Pretreatment facilities; and/or
- (g) Details of systems to prevent and control the losses of materials through spills to the Public Sewers.

**Section 4.05. Applicable Standards.** All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association. Sampling methods, location, times, durations and frequencies are to be determined on an individual basis subject to approval by the District.

#### **ARTICLE V. GENERAL PRETREATMENT REQUIREMENTS**

**Section 5.01.** The purpose of this Article is:

- (a) To establish uniform requirements for direct and indirect contributors into the Wastewater collection and treatment system owned and operated by the District and to enable the District to comply with applicable State and Federal laws and the General Pretreatment Regulations of 40 CFR, Part 403;
- (b) To prevent the introduction of Pollutants into the District's Wastewater system which will:
  - (i) Interfere with the operation of the system;
  - (ii) Cause the treatment plant to violate its NPDES Discharge Permit;
  - (iii) Contaminate the sludge;
  - (iv) Pass through the system, inadequately treated, into receiving waters of the atmosphere;
  - (v) Pose a health threat to Sewer workers; or
  - (vi) Be otherwise incompatible with the system.
- (c) To improve the opportunity to recycle and reclaim Wastewaters and sludges from the system, and
- (d) To provide for equitable distribution of the cost of the municipal Wastewater system.

**Section 5.02. Abbreviations.** The following abbreviations shall have the designated meanings:

BOD: Biochemical Oxygen Demand.

CFR: Code of Federal Regulations.  
COD: Chemical Oxygen Demand.  
US EPA: United States Environmental Protection Agency.  
mg/l: Milligrams per liter.  
NPDES: National Pollutant Discharge Elimination System.  
POTW: Public Owned Treatment Works.  
SIC: Standard Industrial Classification.  
SWDA: Solid Waste Disposal Act, 42 USC 6901, Et. Seq.  
TSS: Total Suspended Solids.  
USC: United States Code

**Section 5.03. Definitions.** Unless the context specifically indicates otherwise, the following terms and phrases used in this Article shall have the following meanings when capitalized:

*“Act”* means the Federal Water Pollution Control Act, as amended by the Clean Water Act and the Water Quality Act of 1987, 33 U. S. C. 125 1, et. seq.

*“Bypass”* means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility.

*“Industrial User”* means any Person who introduces Pollutants into a POTW from any non domestic source regulated under the Act, State law of local ordinance.

*“Interference”* means any discharge which alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, of its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirements 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 under them (or more stringent State or local regulations): Section 405 Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conversation 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 Substance Control Act, and the Marine Protection, Research and Sanctuaries Act.

*“NPDES”* or *“State Discharge Permit”* means a permit issued pursuant to Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

*“National Categorical Pretreatment Standard”* or *“Categorical Pretreatment Standard”* means any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U. S.C. 1317), which applies to a specific category of Industrial User.

*“Pass Through”* means a discharge which exits the POTW into Waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes 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 individual, partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

*“pH”* means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

*“Pollutant”* means any dredged soil, solid waste, incinerator residue, Sewer, garbage, Sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial and agricultural waste or any other contaminant.

*“Pretreatment”* means the reduction, elimination, or alteration of Pollutant properties to a less harmful state prior to or in lieu of discharge or introduction into POTW. This can be accomplished by physical, chemical or biological processes, process changes, or other names, except as prohibited by 40 CFR section 403.6 (d).

*“Pretreatment Standard”* means any local, State, or federal regulation containing Pollutant discharge limits. This term includes local limits, prohibitive discharge limits, including those promulgated under 40 CFR 403.5, and Categorical Pretreatment Standards.

*“Publicly Owned Treatment Works”* or *“POTW”* means a treatment works as defined by section 212 of the Act including any devices and systems used in the storage, treatment, recycling, and reclamation of municipal Sewage and industrial waste. The system includes sewers, pipes and equipment used to convey Wastewater to the treatment facility. The term also includes the municipality as defined in section 502 (4) of the Act which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

*“Significant Industrial User”* means:

(1) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter 1, Subchapter N; and any other Industrial User that:

(a) discharges an average of 25,000 gallon per day or more of process Wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown Wastewater);

(b) contributes a process water stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) is designated as such by the POTW 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 (in accordance with 40 CFR 403. (f) (6)).

(2) Upon finding that an Industrial User meeting the above criteria has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement, the POTW may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.9 (f)(6), determine that such Industrial User is not a Significant Industrial User.

*"Slug Discharge"* means any discharge of a non routine, episodic nature, including but not limited to an accidental spill or a non customary batch discharge.

*"State"* means the State of Indiana.

*"Surcharge"* means monetary charges applied to discharges that exceed Pretreatment effluent limits, but that do not exceed prohibitive limits.

*"Waters of the State"* include:

(1) Both surface and underground waters within the boundaries of this State subject to its jurisdiction, including all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within this State, other than those designed and used to collect, convey or dispose of sanitary Sewage; and

(2) The flood plain free flowing waters determined by the Department of Natural Resources on the basis of 100 year flood frequency.

#### **Section 5.04. Pass Throughs and Interferences; Prohibited Substances.**

- (a) No User shall contribute or cause to be contributed, directly or indirectly to the POTW, any Pollutant or Wastewater which will Pass Through or cause Interference with the operation or performance of the POTW.
- (b) No User shall contribute the following substance to the POTW:
  - (i) Any substance which, by reason of their nature or quantity may create a fire or explosion hazard or be injurious to the POTW or to the Operation of the POTW, including those not less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
  - (ii) Any solid or viscous substance which may cause obstruction to the flow in the Sewer or other Interference with the operation of the waste treatment facilities such as, but not limit to: Grease, garbage with particles greater than one half inch (2") in any dimension, or any material which can be disposed of as trash;
  - (iii) Any Wastewater having a pH less than 6.0 or greater than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or Personnel of the POTW;
  - (iv) Any substances which may cause a public nuisance, cause hazard to life or prevent entry into the sewers for maintenance and repair;
  - (v) Heat in an amount which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW

exceeds 40 degrees C (104 degrees F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;

- (vi) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through;
- (vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (viii) Any trucked or hauled Pollutants, except at pre approved designated manholes;
- (ix) Any Pollutant, including oxygen demanding Pollutants released in a discharge at the flow rate and/or concentration ( including any slug load) which may cause Interference to the POTW; or
- (x) Any Wastewater having effluent characteristics in excess of:

Constituent	Maximum
BOD	220 mg/l Surcharge limit (1)
TSS	250 mg/l Surcharge limit (1)
Oil & Grease	100 mg/l
pH	Less than 6.0 or greater than 9.0
Copper	0.9 mg/l
Cadmium	0.2 mg/l
Nickel	1.3 mg/l
Zinc	1.6 mg/l
Hexavalent Chromium	2.0 mg/l
Total Chromium	2.0 mg/l
Lead	0.8 mg/l
Arsenic	0.3 mg/l
Mercury	Pending
Selenium	0.5 mg/l
Silver	1.2 mg/l
Cyanide	0.3 mg/l
Molybdenum	0.2 mg/l

Chlorides	100 mg/l (2)
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- (1) The prohibitive limit for BOD and TSS is 600 mg/l.
- (2) The chloride limit applies to Industrial Users only. Residential Users may discharge water softener regeneration Wastewater into the POTW.

**Section 5.05. Industrial Pretreatment.**

- (a) Industrial Users shall provide necessary Wastewater treatment as required to comply with the most stringent of this Article, Federal Pretreatment Standard, as established by 40 CFR Chapter N, Subpart I, State standards and permit conditions, and shall achieve compliance with all National Categorical Pretreatment Standards within the time limitations, as specified by the federal Pretreatment regulations, and with any other Pretreatment Standards by applicable deadlines.
- (b) Any facilities required to pretreat Wastewater shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the POTW for review, and shall be approved by the POTW before construction of the facility. The review and approval of plans and operating procedures does not relieve the Industrial User from complying with the provisions of this Article and permit conditions. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and approved by the POTW prior to the Industrial User's initiation of the changes.
- (c) When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6 (e).

**Section 5.06. Industrial Dilution Restricted.** Except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, no Industrial User shall increase the use of process water or in any way dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with any Pretreatment Standard or Requirement. The Control Authority (as defined in 40 CFR 403.12 (a)) may impose mass limitations on Industrial Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations is appropriate.

**Section 5.07. Spills, Accidental Discharges and Slug Discharges.**

- (a) Industrial Users shall provide protection from accidental discharge of materials which may interfere with the POTW by developing spill prevention plans. Facilities necessary to implement these plans shall be provided and maintained at the owner's or Industrial User's expense. Spill prevention plans, including the facilities and the operation procedures, shall be approved by the POTW before construction of the facility.
- (b) Industrial Users that store hazardous substances shall not contribute to the POTW after the effective date of this Article unless a spill prevention plan has been approved by the POTW. Approval of such plans shall not relieve the Industrial User from complying with all other laws and regulations governing the use, storage, and transportation of hazardous substances.

- (c) The POTW shall evaluate each Significant Industrial User at least once every two years, and other Industrial Users as necessary, to determine whether such Industrial User needs a plan to control Slug Discharges. If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements: (a) Description of discharge practices, including non routine batch discharges (b) Description of stored chemicals (c) Procedures for immediately notifying the POTW of Slug Discharges, including any discharge that would violate a prohibition under Section 6.04, with procedures for follow up written notification within five days. (d) 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 runoff, worker training, building of containment structures or equipment, measures for containment of toxic organic Pollutants (including solvents), and/or measures and equipment for emergency response.

**Section 5.08. Duty to Notify.**

- (a) In case of any discharge in violation of this Article or permit conditions, and in the case of any discharge that could cause problems to the POTW including any slug loadings, as defined by Section 6.03 of this Article, the Industrial User shall immediately notify the POTW of the discharge by telephone. The notification shall include:
  - (i) The date, time, location and duration of the discharge;
  - (ii) The type of waste, including concentration and volume;
  - (iii) Any corrective actions taken by the Industrial User.
- (b) Within five days following such a discharge the Industrial User shall submit a written report describing the cause of the discharge and the measures that will be taken by the Industrial User to prevent similar future discharges.
- (c) Such notification shall not relieve the Industrial User of any expense, loss, damage or their liability resulting from the discharge, nor shall such notification relieve the Industrial User of any fines, civil penalties, or other applicable State or Federal laws.
- (d) Notification of changed discharge. All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of Pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notifications under 40 CFR 403.12 (p).

**Section 5.09. Notice to Employees.**

- (a) The Industrial User shall permanently post a notice in a prominent place advising all employees to call the POTW at 765 364 5170 in the event of a dangerous discharge for which notification is required.
- (b) Employers shall advise all employees who may cause, or be injured by, such a discharge of the emergency notification procedure.

**Section 5.10. Records.**

- (a) Industrial Users shall retain and make available, upon request of authorized representatives of the POTW, the State, or the EPA, all records required to be collected

by the Industrial User pursuant to this Article or any permit or order issued pursuant to this Article.

- (b) These records shall remain available for a period of at least three years after their collection.
- (c) This period shall be extended during any litigation concerning compliance with this Article or permit conditions.

**Section 5.11. Public Access; Protection of Trade Secrets.** Information and data, (other than effluent data) about an Industrial User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the POTW that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User. Any such request must be asserted at the time of submission of the information or data. When such a confidentiality claim is asserted, the information shall be treated as such until a determination is made by the POTW. Effluent data shall be available to the public without restriction. When the Person furnishing a report satisfies the POTW that such Person has made the demonstration required by the above paragraph, the portions of a report which might disclose trade secrets processes shall not be made available to inspection except by the State or EPA for uses related to this Article, the NPDES permit, or the Pretreatment program. Confidential portions of a report shall be available for use proceedings involving the Person furnishing the report. Effluent data will not be recognized as confidential information.

**Section 5.12. Inspections.** Representatives of the POTW, the State and EPA, upon showing proper identification shall have the right to enter and inspect the premises of any Industrial User who may be subject to the requirements of this Article. Industrial Users shall allow authorized representatives of the POTW, State, and EPA access to all premises for the purpose of inspecting, sampling, and examining records or copying records in the performance of their duties. Authorized representatives of the POTW, State, and EPA shall have the right to place on the Industrial User's property such devices as are necessary to conduct sampling and monitoring. Where an Industrial User has security or safety measures in force which would require clearance, training, or wearing of special protective gear, the Industrial User shall make necessary arrangements at its own expense, to enable authorized representatives of the POTW, State and EPA to enter and inspect the premises as guaranteed by this paragraph.

## **ARTICLE VI. POWERS AND AUTHORITY OF INSPECTORS**

**Section 6.01. Right of Entry.** The duly authorized agents and employees of the District bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the sewerage system in accordance with the provisions of this Ordinance.

**Section 6.02. Personal Injury and Property Damage.** While performing the necessary work on private properties referred to in Section 8.01 above, the duly authorized agents or employees of the District shall observe all safety rules applicable to the premises established by the owner of a facility discharging industrial wastes, and such owner shall be held harmless for injury or death to the District employees, and the District shall indemnify the employees against liability claims and demands for Personal injury or property damage asserted against the owner of such a

facility and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner of such a facility to maintain safe conditions as required by this Ordinance.

**Section 6.03. Access to Easements.** The duly authorized agents or employees of the District bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated Easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the Wastewater Facilities lying within said Easement. All entry and subsequent work, if any, on said Easement, shall be done in full accordance with the terms of the duly negotiated Easement pertaining to the private property involved.

## ARTICLE VII. PENALTIES

**Section 7.01. Damage to Public Sewers.** No Person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the Wastewater facilities.

**Section 7.02. Notice of Violations.** Any Person found to be violating any provision of this Ordinance, except Section 7.01 above, shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory corrections thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

**Section 7.03. Fines.** Any Person who shall continue any violation (other than a violation of Section 7.01 above), beyond the time limit provided for in Section 7.02 above, may be fined in an amount no less than Fifty Dollars (\$50) and not exceeding Two Thousand Five Hundred Dollars (\$2,500) for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

**Section 7.04. Recovery of Damages by District.** Any Person violating any of the provisions of this Ordinance shall become liable to the District for any expense, loss or damage occasioned the District by reason of such violation.

## ARTICLE VIII. MISCELLANEOUS PROVISIONS

**Section 8.01. Prior Ordinances Repealed.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 8.02. Separability of Provisions.** The invalidity of any section, 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.

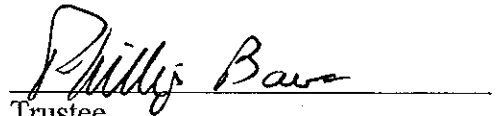
**Section 8.03. Effective Date.** This Ordinance shall be in full force and effect from and after its passage, approval, recording and publication as provided by law.

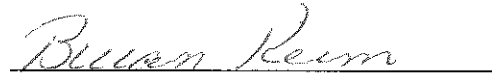
**Section 8.04. Appeals.** Any Person who believes himself aggrieved through the enforcement of this Ordinance has the right to seek administrative relief before the Board of the District, and any decision concerning the Sewage system of the District may be appealed to a court of competent jurisdiction.

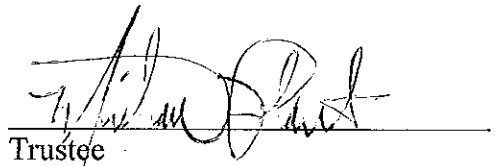
**Section 8.05. Test Procedures.** All test procedures shall be in accordance with 40 CFR 136 - "Guidelines Establishing Test Procedures for Analysis of Pollutants."


Passed and adopted by the Board of Trustees of the Montgomery County Regional Sewer District on the 21<sup>st</sup> day of February, 2012.

  
Trustee

  
Trustee

  
Trustee

  
Trustee

  
Trustee