Passed 8-0
Rollo absent

ORDINANCE 12-28

TO AMEND TITLE 10 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "WASTEWATER" -
Re: Revisions to Chapter 10.04 General Rules, Chapter 10.08 Wastewater Rates and Charges, Chapter 10.12 Prohibited Wastewater Discharges and Chapter 10.16 Industrial Wastewater Dischargers and the Addition of Chapter 10.17 Food Service Establishment Wastewater Dischargers

WHEREAS, the City of Bloomington, Indiana (the City) has constructed and has in operation a wastewater collection system for the purpose of collecting and treating wastewater; and,

WHEREAS, new requirements for managing wastewater quality affect the City as a direct result of the Federal Clean Water Act Streamlining Rule, administered by the United States Environmental Protection Agency, with the revisions and adoption of 40 CFR 403 Streamlining the General Pretreatment Regulations for Existing and New Sources of Pollution; and,

WHERAS, in July of 2009 the Dillman Road Wastewater Treatment Plant was issued a National Pollutant Discharge Elimination System ("NPDES") permit which requires the City to operate its approved Industrial Pretreatment Program; and,

WHEREAS, the EPA approved the proposed changes as a significant program modification in September 2012; and,

WHEREAS, the City operates its Pretreatment Program under the provisions of 40 CFR 403.8; and,

WHEREAS, the revision of the Pretreatment Program could help reduce pollutants in the Publicly Owned Treatment Works; and,

WHEREAS, the City of Bloomington Utilities Service Board has reviewed the proposed ordinance and recommends to the Common Council that it be adopted;

NOW THEREFORE BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT

SECTION 1. Title 10 of the Bloomington Municipal Code shall be repealed and replaced with the following and the codifier is directed to preserve the cites to previous ordinances which are listed after each section in this ordinance:

Title 10
WASTEWATER

Chapters:

10.04	**General Rules**
10.08	**Wastewater Rates and Charges**
10.12	**Prohibited Wastewater Discharges**
10.16	**Industrial Wastewater Dischargers**
10.17	**Food Service Establishment Wastewater Dischargers**
10.20	**Illicit Stormwater Connection and Discharge**
10.21	**Construction Site and Post Construction Stormwater Control**

Chapter 10.04

GENERAL RULES

Sections:

10.04.005 Purpose and policy.
10.04.010 Administration.
10.04.015 Abbreviations.
10.04.020 Definitions.
10.04.025 Posting of rules.
10.04.030 Wastewater main connections and construction.
10.04.040 Extension of wastewater mains.
10.04.050 Mandatory connections.
10.04.060 Construction and abatement of defective privies or septic systems.
10.04.070 Personal sewer sludge use.
10.04.080 Admission to property.
10.04.090 Illegal connections.
10.04.095 Tapping existing sewer mains.
10.04.100 Enforcement procedures.
10.04.110 Penalties.

10.04.005 Purpose and Policy.

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the City of Bloomington Utilities (the City) and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

(a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

(b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

(c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

(d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

(e) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

(f) To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

10.04.010 Administration.

Except as otherwise provided herein, the Utilities Director shall administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Utilities Director may be delegated by the Utilities Director to a duly authorized City employee.

10.04.015 Abbreviations.

BOD – Biochemical Oxygen Demand
BMP – Best Management Practice
BMR – Baseline Monitoring Report
CFR – *Code of Federal Regulations*
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
EPA – U.S. Environmental Protection Agency
ERP – Pretreatment Program Enforcement Response Plan

gpd – gallons per day
IU – Industrial User
mg/l – milligrams per liter
NPDES – National Pollutant Discharge Elimination System
POTW – Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
SNC – Significant Noncompliance
TSS – Total Suspended Solids
U.S.C. – United States Code

10.04.020 Definitions.

As used in this title, the following words have the following meanings unless otherwise designated. Where words are not defined, they shall have the meanings provided in the City of Bloomington Utilities' "Rules, Regulations and Standards of Service."

"Act" or "the Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

"Approval authority" means the Indiana Department of Environmental Management.

"Authorized or Duly Authorized Representative of the User" means:

(a) If the User is a corporation:

(1) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(2) The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty persons or having gross annual sales or expenditures exceeding twenty-five million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(d) The individuals described in subsections (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director.

"Base unit" means the amount that equals the average single-family residential impervious area, which is presently set at two thousand square feet but which may be adjusted by action of the Utilities Service Board.

"Best management practice" or "BMP" means management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in sections 40 Code of Federal Regulations (CFR) 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

"Biochemical oxygen demand" or "BOD" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five days at twenty degrees centigrade, usually expressed as a concentration (e.g., mg/l).

"Board" means the Bloomington Utilities Service Board (USB) or any duly authorized representative acting in its behalf.

"Bypass" means the intentional diversion of wastestreams from any portion of the permittee's treatment facility as specified in 40 CFR 403.17.

"Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

"Categorical Industrial User" or "CIU" is an Industrial User who is regulated under a categorical Pretreatment Standard.

"City" or "CBU" means the City of Bloomington, Indiana acting through its Utilities Service Board.

"Chemical Oxygen Demand" or "COD" is a measure of oxygen required to oxidize all compounds, both organic and inorganic, in water.

"Commercial user" means any User other than a residential user, Indiana University user or Industrial User as defined in this section.

"Control authority" is the POTW if the POTW has a pretreatment program approved by the EPA. The control authority directly regulates the Significant Industrial Users (SIUs) discharging to the POTW.

"Conventional pollutant" means those pollutants designated by the Act to include BOD, total suspended solids, pH, fecal coliform, oil and grease, and such additional pollutants which may be specified and controlled in the City's NPDES permits for its wastewater treatment system.

"Daily Maximum" is the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

"Director" means the Director of the utility or any duly authorized representative acting in his behalf.

"Discharger" means any nonresidential User who discharges an effluent into a POTW by means of pipes, conduits, pumping stations, force mains, constructed drainage ditches, surface water intercepting ditches, intercepting ditches and all constructed devices and appliances appurtenant thereto.

"Domestic wastes" means liquid wastes from the noncommercial preparation, cooking, and handling of food or liquid wastes containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities and institutions.

"Environmental Protection Agency" or "EPA" means the U.S. Environmental Protection Agency or, where appropriate, the regional water management division director, or other duly authorized official of the agency.

"Existing source" means any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

"Grab sample" means a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen minutes.

"Impervious area" means the total hard surface area (asphalt, concrete, stone, etc.) that is contained on a lot or parcel, or within a development tract.

"Indiana University user" means any Indiana University-owned property located on the central campus which generates wastewater.

"Indirect discharge or discharge" means the introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

"Industrial user" or "User" means a source of indirect discharge.

"Industrial waste" means a solid, liquid or gaseous waste resulting from any industrial manufacturing, trade, or business process or from the development, recovery or processing of natural resources.

"Instantaneous maximum allowable discharge 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 a discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

(a) inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, selected sludge use or disposal methods;

(b) causes a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation;

(c) prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); the rules contained in any sludge management plan prepared pursuant to Subtitle D of

the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

"Local Limit" means specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

"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 waste.

"Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"Monthly Average Limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

"New Source" means:

(a) 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.

(b) 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 subsection (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this subsection 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 which is necessary for the placement, assembly, or installation of new source facilities or equipment;

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this subsection.

"Noncontact cooling water" means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

"NPDES" or "National Pollution Discharge Elimination System" means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into navigable waters, the contiguous zones, and the oceans pursuant to the Clean Water Act.

"Operation and maintenance" or "O&M" means the cost of operation and maintenance of the treatment works, including replacement costs. It means the expenses for the normal operation of the treatment works including overhead, meter reading, bill preparation, collection system costs, sewer equipment maintenance and treatment works equipment maintenance.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, refuse, ashes, garbage, offal, oil, tar, chemicals and all other substances except sewage and industrial wastes.

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

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal

representatives, agents, or assigns. This definition includes all federal, state, and local governmental entities.

"pH" means a measure of the acidity or alkalinity of a solution, expressed in standard units.

"Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, heavy metals, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

"Pretreatment Program Enforcement Response Plan" or "ERP" means a plan that contains detailed procedures indicating how the City of Bloomington Utilities will investigate and respond to instances of Industrial User noncompliance.

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

"Pretreatment standards" or "standards" means prohibited discharge standards, categorical Pretreatment Standards, and local limits.

"Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in Chapter 10.12 of this title.

"Publicly owned treatment works" or "POTW" means a treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the City. This definition 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.

"Public sewer" means a primary or secondary sewer in which all owners of abutting property have equal rights and which is controlled by the utility.

"Replacement costs" means expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary to maintain the capacity and performance during the useful life of the wastewater treatment system.

"Representative sample" means a sample from a wastestream that is as nearly identical as possible in composition to that in the larger volume of wastewater being discharged and typical of the discharge from the facility on a normal operating day.

"Residential user" means any single-family or double-family dwelling which generates wastewater.

"Rules" means "Rules, Regulations and Standards of Service" adopted by the Utilities Service Board.

"Sanitary sewer" means a sewer which carries wastewater and to which all storm, surface and groundwaters and unpolluted industrial wastewater 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 water-carried human wastes including human excrement and gray water (household showers, dishwashing operation ,etc.), or a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, storm or other waters as may be present.

"Sewer" means any pipe, conduit, ditch or other device used to collect and transport sewage or stormwater from the generating source.

"Shall" means mandatory.

"Significant Industrial User" means:

(a) A User subject to categorical Pretreatment Standards; or

(b) A User that:

(1) Discharges an average of twenty-five thousand gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater),

(2) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant, or

(3) Is designated as such by the Director on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement;

(c) Upon a finding that a User meeting the criteria in subsection (b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

"Significant Noncompliance" or "SNC" means an Industrial User's status for significant violations that have occurred or are occurring pursuant to 40 CFR 403.8(f)(2)(vii)(A-H) and as defined in Chapter 10.16.150. Examples of SNC violations include major exceedances of effluent limits, failure to meet compliance schedule milestones by at least 90 days of the date specified in an enforcement document or permit, and failure to submit reports, such as Discharge Monitoring Reports, within 45 days of the due date.

"Slug discharge" or "Slug" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 10.12.010 and/or 10.12.020 of this ordinance. A slug discharge is any discharge of a non-routine, episodic discharge, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through or in any other way violate the POTW's NPDES permit and regulations, as well as local limits, discharger permit conditions, or prohibited discharge standards listed in Chapter 10.12 of this title.

"Standard Industrial Classification (SIC) Code" means a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"Stormwater" means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

"Stormwater utility, stormwater works, and stormwater facilities" means all constructed pipes, mains, facilities, structures and natural water courses under the control of the Utilities Service Board used for collecting and conducting stormwater through and from drainage area to the point of final outlet, including, but not limited to, any and all of the following: mains, pipes, lift stations, inlets, conduits and pertinent features, creeks, channels, catch basins, ditches, streams, culverts, retention or detention basins, and pumping stations; and excluding there from any part of the system of drains and water courses under the jurisdiction of the Monroe County drainage board; provided, however, that the Utilities Service Board and the Monroe County drainage board may negotiate cooperative arrangements regarding jurisdiction, design, construction, operation and maintenance of drains located outside of the municipal corporate boundaries under the authority of Indiana Code 36-9-27-1 et seq.

"Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

"Toxic pollutant" means those substances listed in Section 307(a)(1) of the Act.

"Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards due to factors beyond the reasonable control of the discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

"User" or "Industrial User" means a source of indirect discharge; any person or entity that discharges, causes or permits the discharge of wastewater into the wastewater treatment system.

"Utilities Director" or "Director" means the person designated by the City of Bloomington to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this title. The term also means a duly authorized representative of the Utilities Director.

"Utility" means the City of Bloomington Utilities comprised of water, wastewater and stormwater utilities.

"Wastewater" means liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

"Wastewater treatment system" means any devices, facilities, structures, equipment or works owned by the City for the purpose of the transmission, storage, treatment, recycling and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water at the most economical cost over the estimated life of the system, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations; elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 1, 2006).

10.04.025 Posting of rules.

A copy of the Rules shall be filed and posted in the commercial office of the utility and shall be available for public inspection during regular business hours. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.04.030 Wastewater main connections and construction.

All construction of wastewater mains and their connection to the utility shall be made in accordance with Section 23 of the Rules. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 2, 2006; Ord. 80-26 § 1 (part), 1980).

10.04.040 Extension of wastewater mains.

The extension of wastewater mains and related facilities shall be made in accordance with Sections 13 and 25 of the Rules. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 3, 2006; Ord. 80-26 § 1 (part), 1980).

10.04.050 Mandatory connections.

All wastewater sources located on property which is adjacent to an easement or public roadway in which a public sewer is located shall be connected to the public sewer; provided, that the public sewer has the capacity to adequately accept the flow. This connection shall take place within three years of the effective date of this chapter or three years from the construction of an adjacent public sewer. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.04.060 Construction and abatement of defective privies or septic systems.

It is unlawful for any person to permit continuance of any outside privy or septic system owned or controlled by him that is full, has reached its capacity, overflows, or is defective, so as to pollute the air or earth. No septic system or outside privy shall be installed or constructed where a sanitary sewer is adjacent or available to any property. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.04.070 Personal sewer sludge use.

Any person who takes sludge or has delivered to him in any form from any wastewater treatment plant serving the city does so at his own risk. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.04.080 Admission to property.

The City may inspect any properties or any monitoring facilities of any User to determine the compliance with the requirements of this title. The User shall allow the City or its representatives ready access at any time to all parts of the premises of the User for the purposes of inspection, sampling, copying or records examination or in the performance of any of their duties. The City shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations at any time and without notice. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.04.090 Illegal connections.

In cases where connections are made to the wastewater treatment system which have not been approved by the City of Bloomington Utilities engineer, service will be immediately discontinued and a charge to recover losses together with a service charge not to exceed six months estimated billing shall be imposed. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.04.095 Tapping existing sewer mains.

It shall be unlawful for anyone other than the City of Bloomington Utilities Department to make taps on existing sewer mains or manholes. The following rules shall apply:

(a) The customer/contractor shall be responsible for all excavation necessary to perform the tap.

(b) A minimum of forty-eight hours advance notice shall be required for the utilities department to schedule the necessary work.

(c) The contractor shall be responsible for exposing the top of the existing sewer pipe in order to determine location of joint and/or existing lateral.

(d) The center of the new tap shall be at least one foot from any joint or existing lateral.

(e) The contractor shall clean all dirt and debris from the existing sewer main and excavate in a manner permitting installation of a chain completely around the pipe to restrain the tapping machine.

(f) If the existing main appears to be cracked or broken, or if for any reason there appears to be some difficulty in making the tap, the contractor shall immediately call Transmission and Distribution at 339-1444 ext. 229, and report the location and problem.

(g) For the tapping fee charged, the utilities department will make the tap, supply and install the fitting, and leave an open six inch PVC SDR 35 gasket-joint bell. The utilities department will not supply a plug or reducer, or make any connections for the customer/contractor.

(h) All permits shall be furnished and paid for by the customer/contractor. This will include a street cut permit from either city or county engineering, and either an excavating or plumbing permit from city engineering. Permits will not be issued by city engineering unless a paid receipt for the tapping fee is presented.

(i) If the utilities department finds it necessary to make extra trips to the job site because of problems created by the customer/contractor, there will be an additional charge of twenty-five dollars for each extra trip.

(j) Tapping of manholes for lateral connection will no longer be permitted without permission of the utilities engineer or his representatives.

(k) Violators may be fined one hundred dollars and the cost of correcting the illegal tap. (Ord. 12-28 § 1, 2012; Ord. 94-41 § 7, 1994; Ord. 87-48 § 1, 1987).

10.04.100 Enforcement procedures.

(a) In the event any person violates any provision of this title, except Chapter 10.17, or any order of the Board, the Director shall implement the City's "Pretreatment Program Enforcement Response Plan" or ERP which provides a range of enforcement responses available to the Director. The enforcement responses are based on the type and circumstances of the violation. The range of enforcement responses include telephone notice, site visit, notice of violation, agreed order, compliance schedule, administrative fine, or legal action. The Director shall choose the appropriate enforcement response.

(b) Any discharge of nonconventional or toxic pollutants which affects the operation of the wastewater treatment plant shall be considered a major violation of this title. In such case, the Director may serve upon the person in violation a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty days, for correction of the violation. If the violation is not corrected in the time provided, the Director may order the person to show cause before the Board why service should not be terminated after the person has been properly served notice specifying the time and place of the hearing. The hearing shall follow the procedures set forth in Section 22 of the Rules and the violation of any order of the Board shall be considered a public nuisance. In such cases, the corporation counsel shall begin an action for appropriate relief.

(c) When the Director finds that any person has violated or is violating any other provision of this title, he may serve upon the person a written notice stating the nature of the violation and providing a reasonable time, not to exceed forty-five days, for correction of the violation. If the violation is not corrected in the time provided, the corporation counsel may begin an action for appropriate relief.

(d) When the Director finds that an emergency exists that may result in serious harm to the wastewater treatment system or its Users, the Director may request the corporation counsel to obtain a temporary restraining order against the violator. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 4, 2006; Ord. 80-26 § 1 (part), 1980).

10.04.110 Penalties.

(a) Any person who violates any provision of this title or any order of the Board may be fined not less than one dollar nor more than two thousand five hundred dollars for each offense. Each day a violation continues shall constitute a separate offense. In addition, the City may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate suit at law against the person in violation.

(b) Administrative Fines. When the Director finds that a User has violated, or continues to violate, any provision of this title, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such User in an amount not to exceed two thousand five hundred dollars. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. In addition, the City may recover reasonable attorney's fees, court costs, and other expenses of litigation by appropriate suit at law against the person in violation.

(1) Unpaid charges, fines, and penalties shall, after forty-five calendar days, be assessed an additional penalty of ten percent of the unpaid balance, and interest shall accrue thereafter at a rate of one percent per month. A lien against the User's property may be sought for unpaid charges, fines, and penalties.

(2) Users desiring to dispute such fines must file a written request for the Director to reconsider the fine along with full payment of the fine amount within thirty days of being notified of

the fine. Where a request has merit, the Director may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(c) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 5, 2006).

Chapter 10.08

WASTEWATER RATES AND CHARGES

Sections:

10.08.010 Rates—Generally.
10.08.020 Rates—Biennial review.
10.08.030 Rates—Based on quantity of water used.
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10.08.040 Rates—Metered water users.
10.08.045 Rates—Stormwater utility users.
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10.08.100 Liens for nonpayment.
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10.08.120 Waste haulers—Charges.
10.08.130 Inspection charge.
10.08.140 Connection fee.
10.08.150 Laboratory charges.

10.08.010 Rates—Generally.

Rates or charges shall be collected for the use of and the service rendered by the utility from the owners of each and every lot, parcel of real estate, or building that is connected with and uses the utility by or through any part of the wastewater treatment system, and the rates and charges shall be payable as provided in this chapter. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.08.020 Rates—Biennial review.

Not less than every two years, the Board shall review the wastewater contribution of Users and User classes, the total cost of operation and maintenance of the treatment works, and its User charge system. The Board shall, subject to enactment by the common council, revise the charges for Users and User classes to maintain the proportionate distribution of operation and maintenance costs among the User and User classes and to generate sufficient revenue to pay the total operation and maintenance costs necessary for proper operation and maintenance of the treatment system, bond payments, and routine improvements. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.08.030 Rates—Based on quantity of water used.

(a) The residential User rates and charges shall be based upon the quantity of water used on or in the property or premises subject to the rates and charges, as water is measured by the city water meter there in use, except as otherwise provided. Residential summer rates for the months of June, July, August, and September shall be based upon the average of April and May or actual usage, whichever is less. All other Users shall be charged on the basis of one hundred percent of metered water consumption subject to User proof of lower wastewater use.

(b) Industrial User rates and charges shall be based on the quantity of water used as well as any special service rates that may apply. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.08.035 Rate—Establishment of stormwater utility.

There is hereby established within the city wastewater utility the powers, duties and responsibility for the construction, operation and maintenance for the stormwater utility in accordance with Indiana

Code 36-9-23-1 et seq. The original jurisdictional boundaries of the stormwater utility are reflected in Exhibit A, attached hereto and incorporated herein; said boundaries may be amended or extended with the approval of the Utilities Service Board. (Ord. 12-28 § 1, 2012; Ord. 98-29 § 2, 1998).

10.08.040 Rates—Metered water users.

General service rates shall be applicable to all metered water Users, except those with other than average strengths of BOD and suspended solids.

The general service rates shall be determined as follows:

Monthly service charge (per meter)	$6.52
User Charge	
Charge per 1,000 gallons per month for all billable usage:	
Residential[(a)]	$6.36
Commercial	$6.36
Indiana University	$6.36
Industrial[(b)]	$6.36

Notes:

(a) Residential summer rates for billings issued during the months of June, July, August, and September shall be based upon the average metered water consumption for billings issued during the months of April and May or actual usage, whichever is less. In order to more accurately reflect the actual wastewater usage of these customers, the Utilities Service Board may, by the adoption of a resolution, change the months used to set the summer rates and the length of time the summer rates are in effect. All other Users shall be charged on the basis of one hundred percent of metered water consumption subject to User proof of lower wastewater use.

(b) Industrial User rates and charges shall be based on the quantity of water used as well as any special service rates that may apply. (Ord. 12-28 § 1, 2012;Ord. 11-13 § 1, 2011; Ord. 05-34 § 1, 2005: Ord. 03-24 § 1, 2003: Ord. 00-34 § 1, 2000: Ord. 99-31 § 1, 1999: Ord. 98-29 § 3, 1998: Ord. 97-01 § 1, 1997: Ord. 94-41 § 1, 1994: Ord. 89-36 § 1, 1989: Ord. 81-16 §§ 1, 5, 1981: Ord. 80-26 § 1 (part), 1980).

10.08.045 Rates—Stormwater utility users.

(a) The rates and charges of the stormwater utility shall be as follows:

The stormwater system user fee is applicable to all utility customers with accounts within the stormwater system service area. All customers classified by the utility as being single-family residential shall pay a monthly charge of two dollars and seventy cents. All other customers shall be charged based upon the amount of runoff generated by the customer. The amount of runoff subject to the stormwater utility rate shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board:

Runoff generated by nonsingle-family Residential Customer	Runoff generated by the average single-family residential customer Multiplied times $2.70

(b) These rates and charges shall be billed monthly, and all provisions of the Indiana Code, the Bloomington Municipal Code and the City of Bloomington Utilities Department "Rules, Regulations and Standards of Service" which apply to the payment and collection of rates and charges for wastewater services shall apply equally to the rates and charges for stormwater utilities services. (Ord. 12-28 § 1, 2012; Ord. 03-24 § 2, 2003: Ord. 01-15 § 1, 2001; Ord. 99-04 § 3, 1999: Ord. 98-29 § 4, 1998).

10.08.050 Rates—Exemptions.

Water which is used in process of manufacture or for any other purpose which does not discharge into the sanitary sewers shall be exempted; provided, however that the property owner shall install, under the supervision of the utility, the necessary meters to indicate the amount of water used which does not discharge into the sanitary sewers. All meter installation and maintenance costs shall be paid by the User, including a monthly service charge as provided in Section 10.08.040. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.08.060 Rates—Utility measurement of water.

(a) In the event a lot, parcel of real estate, or building discharging wastewater, water, or other liquids into the wastewater treatment system, either directly or indirectly, is not a User of water supplied by the utility and the water used is not measured by a utility water meter or by a meter acceptable to the utility, then the amount of water used shall be otherwise measured or determined by the utility in order to determine the rate or charge provided for in this chapter, or the User may at his expense install and maintain a meter acceptable to the utility for this purpose.

(b) In the event a lot, parcel of real estate, or building discharges industrial wastewater either directly or indirectly into the wastewater treatment system and the utility finds it is not practical to attempt to measure such wastes by meter, it may be measured in such manner and by such methods as the utility may find practical in the light of the conditions and attendant circumstances in order to determine the rate or charge according to the corresponding rates per thousand gallons provided in this chapter. Higher than average wastewater strengths shall pay accordingly. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.08.070 Rates—Nonmetered users.

The minimum rate or charge for any service where the User is not a metered water User shall be six hundred and thirty-three dollars and ninety-nine cents ($633.99) per year, payable monthly. At the request of the utility or User, a meter which measures either the water use of the customer or the discharge into the sanitary sewer system shall be installed at the User's expense. Where a meter has been installed or the customer's water use records are available at no charge from the water supplier, the charge for service shall be computed on the basis of water usage, plus monthly service charge, just as it is with a metered User, subject to the annual minimum charge. (Ord. 12-28 § 1, 2012; Ord. 11-13 § 2, 2011; Ord. 05-34 § 2, 2005; Ord. 03-24 § 3, 2003: Ord. 00-34 § 2, 2000: Ord. 98-29 § 5, 1998: Ord. 94-41 § 2, 1994: Ord. 89-36 § 2, 1989: Ord. 81-16 § 2, 1981: Ord. 80-26 § 1 (part), 1980).

10.08.080 Billing.

Rates and charges shall be billed monthly and shall be due according to the collection policy as adopted by the Utilities Service Board. (Ord. 12-28 § 1, 2012; Ord. 94-41 § 3, 1994: Ord. 89-36 § 3, 1989: Ord. 80-26 § 1 (part), 1980).

10.08.085 Lifeline service.

Beginning February 23, 1981, and ending February 23, 1982, those Users who are heads of households aged sixty-two or over who are dependent on Social Security or Social Security/SSI and whose total annual household income is at or below one hundred twenty-five percent of poverty level shall receive a credit on that portion of their monthly wastewater bill that is equivalent to the amount of the capital-related costs as established in Section 10.08.040. (Ord. 12-28 § 1, 2012; Ord. 81-16 § 7, 1981).

10.08.090 Delinquencies—Late payment charge.

In the event a net bill is not paid within seventeen days from the mailing of the bill, it shall become a delinquent bill and a late payment charge may be added in the amount permitted by applicable state laws and regulations. (Ord. 12-28 § 1, 2012; Ord. 03-24 § 4, 2003: Ord. 80-26 § 1 (part), 1980).

10.08.100 Liens for nonpayment.

(a) In addition to any other method of collection of rates and charges, including the late payment charge, the utility may foreclose liens on property when rates and charges become delinquent. The utility may recover the amount due, the penalty, and reasonable attorney's fees in the manner provided by Indiana Code 36-9-23-31.

(b) The utility shall have the right to foreclose the lien against rental property regardless of whether the delinquency in payment was created by the tenant or owner of the property. (Ord. 12-28 § 1, 2012; Ord. 89-14 § 4, 1989; Ord. 80-26 § 1 (part), 1980).

10.08.110 Special service rates.

(a) Special service rates shall be applicable to all Industrial Users who generate wastewater which contains any nonconventional pollutants or strengths of BOD or SS that exceed the system average strengths of three hundred parts per million BOD or three hundred parts per million SS, as determined by special laboratory analysis by the utility's central laboratory. Other special service rates shall be charged on a case-by-case basis for toxic pollutant discharges, with the charges being

based on the difficulty of treating the toxic pollutant as well as sampling, testing, and disposal charges. Strength charges are to be computed on actual measured strengths and volumes.

(b) Special Rates. Special service rates shall be determined as follows:

Monthly service charge (per meter)	$6.52
Special laboratory analysis (monthly charge):	
Strength of BOD and SS	136.80
Grease and oil	128.24
Metal (per metal per test)	28.50
User Charge	
Charge per 1,000 gallons per month for all billable usage:	
Nonexcessive strength rate	6.52
Extra Strength Charge	
Charge per pound per month for all strength in excess of 300 ppm:	
BOD	0.309
Suspended Solids	0.251

(Ord. 12-28 § 1, 2012; Ord. 11-13 §3, 2011; Ord. 05-34 § 3, 2005; Ord. 03-24 § 5, 2003; Ord. 00-34 § 3, 2000; Ord. 99-31 § 2, 1999: Ord. 98-29 § 6, 1998; Ord. 97-01 § 2, 1997; Ord. 94-41 § 4, 1994; Ord. 89-36 § 4, 1989; Ord. 81-16 §§ 3, 6, 1981; Ord. 80-26 § 1 (part), 1980).

10.08.120 Waste haulers—Charges.

(a) Waste shall only be accepted for treatment by the utility if the treatment processes and final effluent are not adversely affected. All haulers shall provide the utility with the names and addresses of the Users whose waste is brought for treatment. The Director shall designate the site where the waste will be accepted.

(b) The following types of waste may be accepted for treatment by the City of Bloomington Utilities:

(1) Domestic Septage. Domestic septage refers to the waste contained in, or removed from, septic tanks or holding tanks which serve residential homes or other sources which generate only food-based waste. Each truckload delivered will be assumed to be a full load unless proven otherwise by the hauler.

(2) Grease Waste. Grease waste is the waste contained in, or removed from, grease traps or other similar devices which have been installed for the purpose of retaining the portion of the waste stream which floats on water. For the purpose of this document, grease waste refers to greases of plant or animal origin. Petroleum based oils and greases are specifically prohibited from being discharged into the wastewater system. Analysis of the grease wastes may be required before acceptance for treatment and disposal. The charge will be based on the calculated volume of the pit or trap. There will be no additional charge for the water used to wash the grease from the pit.

(3) Wastewater Treatment Plant Waste. Wastewater treatment plant waste includes the excess solids generated at municipal or semi-public wastewater treatment plants and/or the collection systems associated with those treatment plants. The waste may be in the form of sludge, mixed liquor, lagoon dredgings, or waste from lift stations, and must be compatible with the POTW's processes and capacities. Wastes which jeopardize compliance with the Part 503 rules concerning land application of sludge are prohibited. The Board shall establish parameters for the testing of these wastes. The waste hauler will be responsible for the cost of any testing required. Trucks delivering these wastes will be assumed to be full.

(4) Commercial/Industrial Waste. Commercial/industrial waste includes wastes generated by industrial or commercial operations, or an operation which combines domestic waste with waste generated from industrial operations. This waste may be the product of some one-time operation, or may be accumulated in some form of holding tank, such as a septic tank. The wastes may be delivered to the system facilities only after the written request for such disposal has been approved by the Director, or his designee, on a case-by-case basis. The Board shall establish parameters for the testing of these wastes. The waste hauler will be responsible for the cost of any testing required. Trucks delivering these wastes will be assumed to be full.

(5) Out-of-County Waste. For each of the above listed categories of waste, there shall be a surcharge of fifty percent added to the respective fees for any waste which originates at any source outside the boundaries of Monroe County.

(6) The charge for each delivery of the types of waste described above shall be:

	Portion of Rate Applicable to		
	Operations, Maintenance, and Replacement Expenses	**Capital Related Costs**	**Total**
Domestic Septage—			
First 500 gallons	$ 7.52	$ 2.78	$10.30
Each additional 100 gallons	0.43	0.16	0.59
Grease Waste—			
First 100 gallons	4.30	1.59	5.89
Each additional 100 gallons	4.30	1.59	5.89
Wastewater Treatment Plant Waste—			
First 500 gallons	16.12	5.96	22.08
Each additional 100 gallons	3.23	1.19	4.42
Commercial/Industrial Waste—			
First 500 gallons	16.12	5.96	22.08
Each additional 100 gallons	3.23	1.19	4.42

(c) The fees for the treatment and disposal of domestic septage shall be charged to the waste hauler who transports the waste to the treatment facility for disposal. Any licensed waste hauler may purchase tickets which authorize that hauler to dispose of one load of domestic septage.

Generators of nondomestic waste must request authorization to dispose of wastes in the utility treatment works. The application will be reviewed by staff and, if approved, the tickets for disposal of the waste may be purchased by the waste generator. Generators may purchase tickets in the manner outlined above. The generator must provide the appropriate ticket(s) to the waste hauler and the hauler must present the ticket(s) to the staff at the treatment facility as evidence that the disposal of the waste has been authorized.

Additional procedures that further promote an orderly system for the delivery, tracking and payment of these wastes may be adopted by the Board. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 6, 2006; Ord. 00-34 § 4, 2000; Ord. 98-29 § 7, 1998: Ord. 97-01 § 3, 1997: Ord. 94-41 § 5, 1994; Ord. 89-36 § 5, 1989; Ord. 80-26 § 1 (part), 1980).

10.08.130 Inspection charge.

All construction inspections during normal business hours shall be free of charge. All inspections during overtime hours shall be at the rate of twelve dollars and fifty cents per hour. (Ord. 12-28 § 1, 2012; Ord. 80-26 § 1 (part), 1980).

10.08.140 Connection fee.

The connection fee is applicable to all utility customers within the wastewater system service area. The following fees shall be charged for each new connection to the wastewater system.

(a) All customers classified by the utility as being single-family residential shall pay a base fee of one thousand dollars.

(b) All customers classified by the utility as multi-family residential shall pay a charge of sixty-five percent times base fee times the number of units to be served by the connection to the wastewater system, minus any credits, as approved by the Utilities Service Board.

(c) All customers classified by the utility as commercial shall pay the following fee for each connection to the wastewater system, minus any credits, as approved by the Utilities Service Board:

Domestic Water Meter Size In Inches	**Connection Fee**
3/4	base fee
1	4 times base fee
1 1/2	10 times base fee
2	19 times base fee
3	26 times base fee
4	58 times base fee
6 and above	case by case basis

(c) All customers classified by the utility as industrial shall pay a fee for each connection to the wastewater system. This fee shall be charged based upon the amount of flow generated by the customer. The amount of the fee shall be determined by a calculation based upon the following formula, minus any credits, as approved by the Utilities Service Board: (Flow generated by industrial customer divided by flow generated by the average single family residential customer) multiplied by base fee.

(d) If an additional or larger meter is installed for an existing non-single family residential customer, a connection fee shall be assessed based on the following formula, minus any credits, as approved by the Utilities Service Board:

(Additional flow generated by customer divided by flow generated by the average single family residential customer) multiplied by base fee. (Ord. 12-28 § 1, 2012; Ord. 01-16 § 1, 2001: Ord. 97-01 § 4, 1997: Ord. 94-41 § 6, 1994).

10.08.150 Laboratory charges.

The following charges shall apply for laboratory tests performed on samples delivered to the wastewater laboratory.

Alkalinity	$ 9.00
Ammonia	13.00
BOD	16.00
Chlorine	8.00
COD	19.00
Cyanide	21.00
Floride	11.00
Hardness	9.00
Nitrates	16.00
Oil & Grease	37.50
pH	3.00
Phosphates	17.00
Sulfates	16.00
Suspended Solids	9.00
Dissolved Solids	9.00
Total Solids	12.00
Volatile Solids	12.00
Total Coliform	10.00
Fecal Coliform	10.00
E. Coli	10.00
H. Plate Count	10.00
Cadmium	28.50
Chromium	28.50
Copper	28.50
Iron	28.50
Lead	28.50
Manganese	28.50
Nickel	28.50
Silver	28.50
Zinc	28.50

(Ord. 12-28 § 1, 2012; Ord. 97-01 § 5, 1997).

Chapter 10.12

PROHIBITED WASTEWATER DISCHARGES

Sections:

10.12.010 General prohibitions.
10.12.020 Specific prohibitions.
10.12.030 Emergency condition notification.
10.12.040 Limitations on wastewater strength.
10.12.050 Special agreements.
10.12.060 Hauled waste.

10.12.010 General prohibitions.

(a) General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements.

(b) Director's Authority. The Director may reject any discharge to the POTW, in whole or part, that he or she determines to have the potential to either adversely affect POTW operation or cause or contribute to a violation of the City's NPDES permit. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 7, 2006).

10.12.020 Specific prohibitions.

(a) No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty degrees Fahrenheit (sixty degrees Celsius) using the test methods specified in 40 CFR 261.21;

(2) Wastewater having a pH less than five or more than ten Standard Units or otherwise causing corrosive structural damage to the POTW or equipment;

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

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

(5) Wastewater having a temperature greater than one hundred forty degrees Fahrenheit (sixty degrees Celsius), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one hundred four degrees Fahrenheit (forty degrees Celsius);

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

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

(8) Trucked or hauled pollutants, except at discharge points designated by the Director in accordance with Chapter 10.08 of this title;

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

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

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

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

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

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

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

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

(17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred fifty milligram per liter.

(18) Any material which may be classified as hazardous waste in accordance with 40 CFR 261.

(b) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense.

(Ord. 12-28 § 1, 2012; Ord. 06-11 § 8, 2006).

10.12.030 Emergency condition notification

(a) An emergency condition is the occurrence of an upset, bypass, or a slug discharge or accidental discharge of substances prohibited by this title or substances regulated by 40 CFR Part 403.5. In the event of an emergency condition, the discharger must provide the following information to the Utilities Service Board within **one hour** of discovery:

(1) A description of the emergency condition, including the location, type of waste, concentration and volume; and cause of the emergency condition;

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

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the emergency condition.

(b) Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.

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

(d) The discharger's notification of emergency conditions to the City in accordance with this section does not relieve it of any other reporting requirements that arise under local, state, or federal laws. (Ord. 12-28 § 1, 2012).

10.12.040 Limitations on wastewater strength.

(a) National Categorical Pretreatment Standards. The National Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 400-471 (including the categorical standards) are incorporated.

(1) Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Director shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

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

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

(5) Reporting of Changes in Production. Any Industrial User operating under a control mechanism incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the control authority within two business days after the User has a reasonable basis to know that the production level will increase or decrease by 20% or greater within the next calendar month.

(6) Net/Gross Adjustment. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

(b) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Director. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of this Section are met.

(c) The criteria for determining whether a credit will be granted shall include:

(1) Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

(2) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

(3) Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

(4) Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Director may waive this requirement if it finds that no environmental degradation will result.

(d) Local Limits. The Director is authorized to develop and enforce specific local limits pursuant to 40 CFR 403.5(c) and (d). These local limits shall be deemed Pretreatment Standards for the purpose of Section 307(d) of the act. The following pollutant limits are established to protect against pass through and interference. No User shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

Parameter	**Limit (mg/l)**
Arsenic	0.14
Cadmium	0.11
Chromium	1.53
Copper	2.07
Cyanide	0.24
Lead	0.20
Mercury	0.00014
Molybdenum	0.17
Nickel	2.14
Oil and grease	150
PCBs	0.0001
Phosphorus	17
Selenium	0.14
Silver	0.55
Zinc	1.00

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above. The Director may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement Local Limits and the requirements of Title 10. (Ord. 12-28 § 1, 2012).

10.12.050 Special agreements.

Nothing in this title shall be construed as preventing any special agreement or arrangement between the utility and any User of the wastewater treatment system in which wastewater of unusual strength or character is accepted into the system and specially treated, but such agreement shall be subject to any charges that may be applicable. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 2 (part), 1985).

10.12.060 Hauled waste.

(a) Waste shall only be accepted for treatment by the utility if the treatment processes and final effluent are not adversely affected. All haulers shall provide the utility with the names and addresses of the Users whose waste is brought for treatment. The Director shall designate the site where the waste will be accepted.

(b) The following types of waste may be accepted for treatment by the City of Bloomington Utilities:

(1) Domestic Septage. Domestic septage refers to the waste contained in, or removed from, septic tanks or holding tanks which serve residential homes or other sources which generate only residential food-based waste. Each truckload delivered will be assumed to be a full load unless proven otherwise by the hauler;

(2) Grease Waste. Grease waste is the waste contained in, or removed from, grease traps or other similar devices which have been installed for the purpose of retaining the portion of the wastestream which floats on water. For the purpose of this document, grease waste refers to greases of plant or animal origin. Petroleum based oils and greases are specifically prohibited from being discharged into the wastewater system. The wastes may be delivered to the system facilities only after the written request for such disposal has been approved by the Director, or his designee, on a case-by-case basis. Analysis of the grease wastes may be required before acceptance for treatment and disposal. The charge will be based on the calculated volume of the pit or trap. There will be no additional charge for the water used to wash the grease from the pit;

(3) Wastewater Treatment Plant Waste. Wastewater treatment plant waste includes the excess solids generated at municipal or semi-public wastewater treatment plants and/or the collection systems associated with those treatment plants. The waste may be in the form of sludge, mixed liquor, lagoon dredgings, or waste from lift stations, and must be compatible with the treatment system's processes and capacities. Wastes which jeopardize compliance with the 40 CFR Part 503 rules concerning land application of sludge are prohibited. The wastes may be delivered to the system facilities only after the written request for such disposal has been approved by the Director, or his designee, on a case-by-case basis. The Board shall establish parameters for the testing of these wastes. The waste hauler will be responsible for the cost of any testing required. Trucks delivering these wastes will be assumed to be full;

(4) Commercial/Industrial Waste. Commercial/industrial waste includes wastes generated by industrial or commercial operations, or an operation which combines domestic waste with waste generated from industrial operations. This waste may be the product of some one-time operation, or may be accumulated in some form of holding tank, such as a septic tank. The wastes may be delivered to the system facilities only after the written request for such disposal has been approved by the Director, or his designee, on a case-by-case basis. The Board shall establish parameters for the testing of these wastes. The waste hauler will be responsible for the cost of any testing required. Trucks delivering these wastes will be assumed to be full;

(5) Out-of-County Waste. For each of the above listed categories of waste, there shall be a surcharge of fifty percent added to the respective fees for any waste which originates at any source outside the boundaries of Monroe County.

(c) Hauled waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. The Director may require the hauler to provide a waste analysis of any load prior to discharge or the Director may collect samples of each hauled load to ensure compliance with this title. Waste haulers shall be required by the Director to provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The Director may establish operating rules, in addition to those rules listed in this section. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 10, 2006).

Chapter 10.16

INDUSTRIAL WASTEWATER DISCHARGERS

Sections:

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10.16.005 Legal authority.

The Pretreatment Program was developed as required by 40 CFR 403.8(a). The Director has the legal authority to:

(a) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(b) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(c) Control through permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under 403.3(v), this control shall be achieved through individual permits. (Ord. 12-28 § 1, 2012).

10.16.010 Wastewater dischargers.

It shall be unlawful for an Industrial User to discharge sewage, industrial wastes or other wastes to any sewer within the jurisdiction of the City, and/or to the POTW without a permit issued by the City or approval from the Director. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.015 Compliance schedules.

The requirements of this section shall apply to both permitted and unpermitted discharges.

(a) Where additional pretreatment, installation of technology, and/or operation and maintenance activities will be required to comply with this title, the industrial discharger shall provide a declaration of the shortest compliance schedule by which the industrial discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(b) The compliance schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the industrial discharger to comply with the requirements of this title including, but not limited to,

dates relating to hiring an engineer, hiring other appropriate personnel, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, installation of technology required to meet applicable Pretreatment Standards and Requirements, and all other acts necessary to achieve compliance with this title,

(c) Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds nine months,

(d) Not later than fourteen days following each milestone date in the schedule and the final date for compliance, the industrial discharger shall submit a progress report to the City, including no less than a statement as to whether or not it complied with the increment of progress represented by that milestone 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 industrial discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the City. (Ord. 12-28 § 1, 2012).

10.16.020 Wastewater discharge permits.

(a) Wastewater analysis. When requested by the Director, a User must submit information on the nature and characteristics of its wastewater within 60 days of the request. The Director is authorized to prepare a form for this purpose and may periodically require Users to update this information.

(b) Permits. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual wastewater discharge permit from the Director. The Director may require other Users to obtain individual wastewater discharge permits as necessary to carry out the purposes of this title. All existing industrial dischargers connected to or discharging to the POTW shall obtain a wastewater discharge permit within ninety days after the effective date of the ordinance codified in this title.

(c) Permit Conditions. Wastewater discharge permits shall specify no less than the following:

(1) Fees and charges to be paid upon initial permit issuance;

(2) Effluent limits, Best Management Practices, Categorical Pretreatment Standards, local limits, State and local laws, and effluent limits on the average and maximum wastewater constituents and characteristics regulated thereby;

(3) Effluent limits on average and maximum rate and time of discharge and/or requirements for flow regulations and equalization;

(4) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(5) Special conditions as the City may reasonably require under particular circumstances of a given discharge including sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;

(6) Any grant of a monitoring waiver by the Director (Section 10.16.060) must be included as a condition in the User's permit;

(7) Compliance schedules;

(8) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this title.

(9) A Slug Control Plan as required by Chapter 10.16.030(f) of this Title.

(d) Permit Duration. A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permittee must reapply for a discharge permit under subsection (f) of this section, a minimum of four (4) months prior to the expiration date of the permit.

(e) Limitations on Permit Transfer. Wastewater discharge permits are issued to a specific industrial discharger for a specific operation and are not assignable to another industrial discharger without the prior written approval of the City, or transferable to any other location.

(f) Permit Application. Industrial dischargers shall complete and file with the City, a permit application therefore in the form prescribed by the City, and accompanied by the appropriate fee. Existing industrial dischargers shall apply for a wastewater discharge permit within thirty days after the effective date of the ordinance codified in this chapter, and proposed new industrial dischargers shall apply at least ninety days prior to connecting to the POTW. No discharge permit shall be issued unless and until the following conditions have been met:

(1) Disclosure of name, address, and location of the discharger;

(2) Disclosure of standard industrial classification (SIC) number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;

(3) Disclosure of wastewater constituents and characteristics, including, but not limited to, those mentioned in this title, including Section 307 of the Act as appropriate, as determined by bona fide chemical and biological analyses. Sampling and analysis shall be performed in accordance with procedures established by the U.S. EPA and contained in 40 CFR, Part 136, and 40 CFR 403.12 as amended;

(4) Disclosure of time and duration of discharges;

(5) Disclosure of average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be measured unless other verifiable techniques are approved by the City due to cost or nonfeasibility;

(6) Disclosure of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation;

(7) Description of activities, facilities and plant processes on the premises including all materials which are or may be discharged to the sewers or works of the City;

(8) Disclosure of the nature and concentration of any pollutants or materials prohibited by this title in the discharge, together with a statement regarding whether or not compliance is being achieved with this title on a consistent basis and if not, whether additional operation and maintenance activities and/or additional pretreatment is required for the industrial discharger to comply with this title;

(9) Where additional pretreatment and/or operation and maintenance activities will be required to comply with this title, the industrial discharger shall provide a declaration of the shortest compliance schedule by which the industrial discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(10) Users shall provide wastewater treatment as necessary to comply with this title and shall achieve compliance with all categorical Pretreatment Standards, permit limits, local limits, and the prohibitions set out in Chapter 10.12 of this title within the time limitations specified by EPA, the state, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this title;

(11) Disclosure of each product produced by type, amount, process or processes and rate of production;

(12) Disclosure of the type and the amount of raw materials utilized (average and maximum per day);

(13) All permit applications for new or modified permits shall be signed by an authorized representative of the User;

(14) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than twenty-four inches diameter and an internal diameter of no less than thirty-six inches containing flow measuring, recording and sampling equipment as required by the City to assure compliance with this title. The City will evaluate the complete application and data furnished by the industrial discharger and may require additional information. Within thirty days after full evaluation and acceptance of the data furnished, the City shall issue a wastewater discharge permit subject to terms and conditions provided herein.

(g) Permit Modifications. The City reserves the right to amend any wastewater discharge permit issued hereunder in order to assure compliance by the City with applicable laws and regulations. Within nine months of the promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit of each industrial discharger subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standards. All National Categorical Pretreatment Standards adopted after the promulgation of this title shall be adopted by the City as part of this title. Where an industrial discharger, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required by subsection (e) of this section, the industrial discharger shall apply for a wastewater discharge permit from the City within one hundred eighty days after the promulgation of the applicable National Categorical Pretreatment Standard by the U.S. EPA. In addition, the industrial discharger with an existing wastewater discharge permit shall submit to the City within one hundred eighty days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by subsections (e)(8) and (9) of this section. The industrial discharger shall be informed of any proposed changes in his permit at least sixty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for

compliance. Any significant changes in the industrial discharger's wastewater constituents or characteristics shall be reported to the City at least thirty days prior to initiation of any proposed in-plant modification causing the change. Any permit modification due to the proposed change must be completed prior to the change. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 11, 2006).

10.16.030 Reporting requirements for permittee.

(a) Compliance Date Report. Within ninety days following the date for final compliance by the industrial discharger with applicable pretreatment standard set forth in this title or ninety days following commencement of the introduction of wastewater into the POTW by a new discharger, any industrial discharger subject to this title shall submit to the City a report indicating the nature and concentration of all prohibited or regulated substances contained in its discharge, and the average and maximum daily flow in gallons. The report shall state whether the applicable pretreatment standard or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the industrial discharger into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the industrial discharger, and certified to by a qualified engineer.

(b) Periodic Compliance Schedule Reports.

(1) Any industrial discharger subject to a categorical Pretreatment Standard set forth in this title, after the compliance date of such pretreatment standard, or, in the case of a new industrial discharger, after commencement of the discharge to the City, shall submit to the City during the months of January and July, unless required more frequently by the City, a report indicating the nature and concentration, of prohibited or regulated substances in the effluent which are limited by the categorical Pretreatment Standards hereof. These reporting requirements also apply to any permitted Significant Industrial User not subject to a categorical Pretreatment Standard set forth in this title. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in subsection (a) of this section. Flows shall be reported on the basis of actual measurement; provided, however, where cost or feasibility considerations justify, the City may accept reports of average and maximum flows estimated by verifiable techniques.

In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the User shall submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.

The City, for good cause shown considering such factors as local high or low flow rates, holidays, budget cycles, or other extenuating factors may authorize the submission of said reports on months other than those specified above.

(2) Any Industrial User and POTW subject to the reporting requirements established in this section shall maintain records of all information resulting from any monitoring activities required by this section, including chain-of-custody forms and documentation associated with Best Management Practices. Such records shall include for all samples:

(i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(ii) The dates analyses were performed;

(iii) Who performed the analyses;

(iv) The analytical techniques/methods use; and

(v) The results of such analyses.

These records shall remain available for a period of at least three years.

Reports of permittees shall contain all results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where required by the City. The frequency of monitoring by the industrial discharger shall be as prescribed in the applicable pretreatment standard of this title. Permitted Industrial Users must submit to the Director all analytical data generated by the analytical methods listed in their industrial waste pretreatment permit. This includes any analytical data generated, and associated chain-of-custody forms, in addition to the sampling frequency listed in the industrial pretreatment permit. All analyses shall be performed in accordance with 40 CFR, Part 136 and 40 CFR 403.12 and amendments, thereto.

Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator of the U.S. EPA.

(3) Permittees who implement and adhere to Best Management Practices as required by a categorical Pretreatment Standard must submit documentation of compliance with such requirements.

(c) Notice of Violation/Repeat Sampling and Reporting. If sampling performed by a User indicates a violation, the User must notify the Director within twenty-four hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director within thirty days after becoming aware of the violation.

(d) Application Signatories and Certification. All wastewater discharge permit applications and User reports must be signed by an Authorized Representative of the User and contain the following certification statement:

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

(e) Baseline Monitoring Reports.

(1) Within either one hundred eighty days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing CIUs currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in subsection (e)(2) of this section. At least ninety days prior to commencement of their discharge, new sources, and sources that become CIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the Director a report which contains the information listed in subsection (e)(2) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

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

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

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

(D) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(E) Measurement of Pollutants.

(i) The categorical Pretreatment Standards applicable to each regulated process.

(ii) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Chapter 10.16.035 of this title.

(iii) Sampling must be performed in accordance with procedures set out in Chapter 10.16.035 of this title.

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

(G) Compliance Schedule. If additional pretreatment, installation of technology, and/or O&M will be required to meet the pretreatment standards, the shortest compliance

schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in this chapter.

(H) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with subsection (d) of this section.

(f) Slug Control Plan. Permitted Industrial Users shall develop, submit for approval, and implement a Slug Control Plan. Slug Control Plans shall address, at a minimum, the following:

(1) Description of discharge practices, including nonroutine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Director of any accidental or slug discharge, or any changes at its facility affecting the potential for a slug discharge.

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

(5) Review and approval of such plans and operating procedures by the City shall not relieve the discharger from the responsibility to modify its facility as necessary to meet the requirements of this title.

(6) Dischargers shall notify the City by telephone within one hour upon the discovery of an occurrence of a "slug discharge" or accidental discharge of substances prohibited by this title. The notification shall include location of discharge, date and time thereof, type of waste, concentration and volume, and corrective actions. Any discharger who discharges a slug load of prohibited materials shall be liable for any expense, loss or damage to the POTW, in addition to the amount of any fines imposed on the City on account thereof under state or federal law.

(7) Signs shall be permanently posted in conspicuous places on discharger's premises, advising employees whom to call in the event of a slug or accidental discharge. Employers shall instruct all employees who may cause or discover such discharge with respect to emergency notification procedure, as outlined in 10.12.030 of this title.

(8) The Industrial User shall implement the Slug Control Plan and train relevant staff on an annual basis. Training records are to be kept on file for a minimum of three years. Inspection of chemical storage areas logs and pretreatment system maintenance logs must be kept on file for a minimum of three years.

(9) The Slug Control Plan must be updated when any changes occur at the facility that could affect the potential for a slug discharge. Such changes may include changes to emergency contact names, telephone numbers or manufacturing processes, and changes to chemical inventories or locations at the facility. The Industrial User shall notify the Director of such changes and submit an updated Slug Control Plan to the Director within 30 days of the changes occurring at the facility.

(g) Reports of Changed Conditions. Each User 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 User has submitted initial notification to the POTW. Each User must notify the Director of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty days before the change.

(1) The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 10.16.020 of this chapter.

(2) The Director may issue a wastewater discharge permit under Section 10.16.020 of this chapter or modify an existing wastewater discharge permit under Section 10.16.020(f) in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirement, significant changes include, but are not limited to, flow increases or decreases of twenty percent or greater, and the discharge of any previously unreported pollutants. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 9, 2006).

10.16.035 Sample collection.

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The Director shall indicate

the frequency of monitoring necessary to assess and assure compliance by the User with applicable Pretreatment Standards and Requirements in wastewater discharge permits.

(a) Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour 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. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Director, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

(c) For sampling required in support of baseline monitoring and 90-day compliance reports required in 10.16.030 (e) [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and 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. For the reports required by paragraphs 10.16.030(b) (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern. (Ord. 12-28 § 1, 2012).

10.16.040 Monitoring facilities.

(a) Each industrial discharger shall provide and operate, at the industrial discharger's own expense, a monitoring facility to allow inspection, sampling and flow measurement of each sewer discharge to the City. Each monitoring facility shall be situated on the industrial discharger's premises, except where such a location would be impractical or cause undue hardship on the industrial discharger, the City may concur with the facility being constructed in the public street or sidewalk area providing that the facility is located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial discharger.

(b) All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within one hundred days of receipt of permit by industrial discharger. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.050 Inspection and sampling.

The City may inspect any properties or any monitoring facilities of any industrial discharger to determine compliance with the requirements of this title. The industrial discharger shall allow the City or its representatives ready access at any time to all parts of the premises of the industrial discharger for the purposes of inspection, sampling, copying or records examination or in the performance of any of their duties. The City shall have the right to set up on the industrial discharger's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations at any time and without notice. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

If the City collects samples for an Industrial User which are required by an industrial waste pretreatment permit and a violation is detected, the City must repeat sampling within 30 days of becoming aware of the exceedance. (Ord. 12-28 § 1, 2012).

10.16.060 Monitoring waivers.

Permitted Industrial Users can request the Director to grant a monitoring waiver for a pollutant that is neither present nor expected to be present in their discharge. The Industrial User must demonstrate to the Director's satisfaction that the pollutant is neither present nor expected to be present

in the discharge, or is present only at background levels from intake water without any increase in the pollutant due to the Industrial User's activities.

At a minimum, the Industrial User shall submit the following information with its request for a monitoring waiver:

(a) Sampling data and other technical factors demonstrating that the pollutant is not present in the discharge;

(b) Data from at least one sampling of the facility's process wastewater prior to any treatment; and

(c) The certification statement in 40 CFR 403.6(a)(2)(ii), signed by an authorized representative.

In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

The waiver is not available for monitoring required for the baseline monitoring report required under 40 CFR 403.12(b) or the 90-day compliance report required under 40 CFR 403.12(d). The waiver for pollutants not present cannot be used in place of any certification process established in a categorical Pretreatment Standard such as the certification process for total toxic organic pollutants under the metal finishing regulations. Nor does the waiver supersede certification processes and requirements that are established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard. Monitoring requirements for the pharmaceutical industry can be reduced only by the waiver procedures to a frequency of once per year and cannot be waived entirely (40 CFR 439.2(a).

Monitoring waivers are valid only for the duration of the Industrial User's wastewater permit, but in no case longer than 5 years. To continue the waiver for the period of the next permit cycle, the Industrial User must reapply for the waiver, including the submission of appropriate monitoring data. Monitoring waivers may be revoked at any time per the Director's discretion.

Upon approval of the monitoring waiver and revision of the Industrial User's permit by the Director, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1)."

In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the Industrial User's operations, the User must immediately: Comply with the monitoring requirements of 10.16.030 of this section or other more frequent monitoring requirements imposed by the Director; and notify the Director.

Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

Any grant of the monitoring waiver by the Director must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Director for 3 years after expiration of the waiver.

The Director may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA, where the Industrial User's total categorical wastewater flow does not exceed any of the requirements listed in 40 CFR 403.12(e)(3). (Ord. 12-28 § 1, 2012).

10.16.070 False statements.

Anyone who shall knowingly make any false statements, report or document, or intentionally give inaccurate monetary information shall upon conviction be punished by implementation of a civil penalty. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.080 Confidential information.

(a) Information and data furnished to the Director with respect to the nature and frequency of discharge shall be available to the public or other governmental agency without restriction unless the industrial discharger specifically requests and is able to demonstrate to the satisfaction of the Director that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information of the industrial discharger.

(b) When requested by an industrial discharger furnishing a report, the portions of a report which may disclose trade secrets or secret processes shall not be made available for inspection by the pub-

lic but shall be made available upon written request to governmental agencies for uses related to this title, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the industrial discharger furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(c) Information accepted by the City as confidential, shall not be transmitted to any governmental agency or to the general public by the City until and unless a ten-day notification is given to the industrial discharger. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.090 Emergency suspension of service and discharge permits.

The Director may immediately suspend a User's discharge, after informal notice to the User, wherever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, and endangerment to the environment.

(a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 10.16.095 of this chapter are initiated against the User.

(b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director prior to the date of any show cause or termination hearing under Chapter 10.04 or 10.16 of this title. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 13, 2006).

10.16.095 Termination of discharge.

(a) In addition to the provisions in Section 10.16.100 of this chapter, any User who violates the following conditions is subject to discharge termination:

(1) Violation of wastewater discharge permit conditions;

(2) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(4) Refusal of access to the User's premises for the purpose of inspection monitoring or sampling, or;

(5) Violation of the pretreatment standards in Chapter 10.12 of this title.

(b) Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Chapter 10.04 and of this chapter why the proposed action should not be taken. Exercise of this option by the Director shall not be a bar to, or a bar prerequisite for, taking any other action against the User.

(c) The Director may for good cause shown suspend the wastewater treatment service and the wastewater discharge permit of an industrial discharger when it appears to the Director that an actual or threatened discharge presents or threatens an imminent or substantial danger to the health or welfare of persons, substantial danger to the environment, interferes with the operation of the POTW, or violates any pretreatment limits imposed by this title or any wastewater discharge permit issued pursuant to this title. Any industrial discharger notified of the suspension of the City's wastewater treatment service and/or the industrial discharger's wastewater discharge permit, shall within a reasonable period of time, as determined by the Director, cease all discharges. In the event of failure of the industrial discharger to comply voluntarily with the suspension order within the specified time, the Director shall commence judicial proceedings immediately thereafter to compel the industrial discharger's compliance with such order. The Director shall reinstate the wastewater discharge permit and/or the wastewater treatment service and terminate judicial proceedings upon receipt of proof by the industrial discharger of the elimination of the noncomplying discharge or conditions creating the threat of imminent or substantial danger as set forth above. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 14, 2006).

10.16.100 Revocation of permit.

The City may revoke the permit of any industrial discharger for good cause, including, but not limited to the following reasons:

(a) Failure to factually report the wastewater constituents and characteristics of its discharge;

(b) Failure to report significant changes in wastewater constituents or characteristics prior to changed discharge;

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

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Failure to meet effluent limitations;

(g) Failure to pay fines;

(h) Failure to pay sewer charges;

(i) Failure to meet compliance schedules;

(j) Failure to complete a wastewater survey or the wastewater discharge permit application;

(k) Failure to provide advance notice of the transfer of business ownership of a permitted facility;

(l) Refuses reasonable access to the industrial discharger's premises by representatives of the City for the purpose of inspection or monitoring; or

(m) Violates the conditions of any Pretreatment Standard or Requirement, its permit, or this title, or any final judicial order entered with respect thereto. (Ord. 85-48 § 3 (part), 1985).

(n) Causes the POTW to violate its NPDES permit.

(o) Failure to adhere to the terms of a special agreement. (Ord. 12-28 § 1, 2012).

10.16.110 Notification of violation—Administrative adjustment.

Whenever the City finds that any industrial discharger has engaged in conduct which justifies revocation of a wastewater discharge permit, pursuant to Section 10.16.100 hereof, the City shall serve or cause to be served upon such industrial discharger a written notice either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within thirty days of the date of receipt of the notice, the industrial discharger shall respond personally or in writing to the City, advising of its position with respect to the allegations and where necessary, establish a plan for the satisfactory correction thereof. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.120 Financial responsibility.

An industrial discharger that discharges a substance that obstructs or damages the POTW will be held financially liable for the damages incurred. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.130 Show-cause hearing.

Where the violation of Section 10.16.100 hereof is not corrected by timely compliance by means of Administrative Adjustment, the City may order any industrial discharger which causes or allows conduct prohibited by Section 10.16.100 hereof, to show cause before the City or its duly authorized representative, why the proposed permit revocation action should not be taken. A written notice shall be served on the industrial discharger by personal service, certified or registered, return receipt requested, specifying the time and place of a hearing to be held by the City or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the industrial discharger to show cause before the City or its designee why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than ten days before the hearing. Service may be made on any agent, officer, or authorized representative of an industrial discharger. The proceedings at the hearing shall be considered by the City which shall then enter appropriate orders with respect to the alleged improper activities of the industrial discharger. Appeal of such orders may be taken by the industrial discharger in accordance with applicable local or state law. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.140 Judicial proceedings.

Following the entry of any order by the City with respect to the conduct of an industrial discharger contrary to the provisions of Section 10.16.100 hereof, the corporation counsel for the City may, following the authorization of such action by the City, commence an action for appropriate legal and/or equitable relief in the appropriate court. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.150 Enforcement actions—Annual publication.

Publication of Users in Significant Noncompliance. The Director shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW a list of the Users which, during the previous twelve months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall mean:

(a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all wastewater measurements taken for the same pollutant parameter during a six-month period exceed a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);.

(b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent or more of all wastewater measurements taken for the same pollutant parameter during a six-month period equal or exceeds the product of the numeric Pretreatment Standard or Requirement including instaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

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

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

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

(f) Failure to provide within forty-five days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(g) Failure to accurately report noncompliance; or

(h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Director determines will adversely affect the operation or implementation of the local Pretreatment program. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 15, 2006).

10.16.160 Right of appeal.

Any industrial discharger or any interested party shall have the right to request in writing an interpretation or ruling by the City on any matter covered by this title and shall be entitled to a prompt written reply. In the event that such inquiry is by an industrial discharger and deals with matters of performance or compliance with this title or deals with a wastewater discharge permit issued pursuant hereto for which enforcement activity relating to an alleged violation is the subject, receipt of an industrial discharger's request shall stay all enforcement proceedings, other than emergency suspensions of service made under Section 10.16.100, pending receipt of the aforesaid written reply. Appeal of any final judicial order entered pursuant to this title may be taken in accordance with local and state law. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.165 Permit appeals.

Any person, including the User, may petition the Utilities Service Board to reconsider the terms of a wastewater discharge permit within 45 days of the effective date of the permit (i.e. the date the permit was approved and signed by the USB).

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

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

(c) The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal. (Ord. 12-28 § 1, 2012).

10.16.170 Operating upsets.

(a) The term upset shall mean an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance due to operational error, improperly designed or inadequate treatment facilities, lack of preventative maintenance or careless or improper operation.

(b) Dischargers shall follow emergency notification procedures in section 10.12.030 within one hour upon the discovery of an operating upset.

(c) A documented and verified bona fide operating upset shall be an affirmative defense to any enforcement action brought by the City against an industrial discharger for any noncompliance with the title or any wastewater discharge permit issued pursuant hereto, which arises out of violations alleged to have occurred during the period of the upset. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 16, 2006).

10.16.180 Pass through and interference.

All Industrial Users are prohibited from discharging any substance that could cause pass through or interference at the POTW. (Ord. 12-28 § 1, 2012).

10.16.190 Bypass.

(a) Bypass means the intentional diversion of wastestreams from any portion of the permittee's treatment facility as specified in 40 CFR 403.17. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Director, if possible at least 10 days before the scheduled date of the bypass.

(b) Dischargers shall follow emergency notification procedures in section 10.12.030 within one hour upon the discovery of an unanticipated bypass. (Ord. 12-28 § 1, 2012).

10.16.200 Records retention.

All industrial dischargers subject to this title shall retain and preserve for no less than three years, any records, books, documents, chain-of-custody forms, training logs, inspection logs, maintenance logs, Best Management Practice compliance documentation, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of an industrial discharger in connection with its discharge. Such records shall include for all samples:

(a) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;

(b) The dates analyses were performed;

(c) Who performed the analyses;

(d) The analytical techniques/methods used; and

(e) The results of such analyses.

All records which pertain to matters which are the subject of administrative adjustment or any other enforcement or litigation activities brought by the City pursuant hereto shall be retained and preserved by the industrial discharger until all enforcement activities have been concluded and all periods of limitation with respect to any and all appeals have expired. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.210 Fees.

It is the purpose of this section to provide for the payment of fees from dischargers to the City's wastewater disposal system, to compensate the City for the cost of administration of the pretreatment program established herein.

The City shall adopt charges and fees which may include:

(a) Fees for monitoring, inspections and surveillance procedures;

(b) Fees for permit applications (permits only);

(c) Fees for filing appeals;

(d) Fees for reviewing accidental discharge procedures and construction. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985).

10.16.220 Regulation of wastes from other jurisdictions.

(a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Director shall enter into an intermunicipal agreement with the contributing municipality.

(b) Prior to entering into an agreement required by subsection (a) of this section, the Director shall request the following information from the contributing municipality:

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

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

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

(c) An intermunicipal agreement, as required by subsection (a) of this section, shall contain the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this title and local limits which are at least as stringent as those set out in Chapter 10.12 of this title. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's title or local limits;

(2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;

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

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

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

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

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

(8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 17, 2006).

Chapter 10.17

FOOD SERVICE ESTABLISHMENT WASTEWATER DISCHARGERS

Sections:

10.17.010 Purpose and intent.
10.17.020 Definitions.
10.17.030 Applicability.
10.17.040 Responsibility for administration.
10.17.050 Ultimate responsibility.
10.17.060 New commercial construction requirements.
10.17.070 Installation requirements for newly remodeled food service establishments.
10.17.080 Installation requirements for existing food service establishments.
10.17.090 Design criteria.
10.17.100 Best management practices.
10.17.110 Inspections.
10.17.120 Enforcement.
10.17.130 Exemptions.

10.17.010 Purpose and intent.

The purpose of this chapter is to minimize the introduction of fats, oils, and greases (FOG) into the City's wastewater collection system. The main components of the chapter are proper sizing, installation, and maintenance of grease traps and grease interceptors. The administrative and inspection requirements of the food service establishments are written herein as well.

10.17.020 Definitions.

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section:

(a) "Automatic Grease Removal Device" means a mechanical device that automatically separates grease from wastewater into a container and is usually set on a timer.

(b) "Best Management Practice or "BMP" means management and operational procedures that are intended to prevent pollutants from entering a facility's wastestream or from reaching a discharge point. BMPs include schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in sections 40 Code of Federal Regulations (CFR) 403.5(a)(1) and (b).

(c) "City" or "CBU" means the City of Bloomington, Indiana acting through its Utilities Service Board.

(d) "Director" means the Director of the utility or any duly authorized representative acting on his behalf.

(e) "Domestic wastewater" means wastewater from sanitary fixtures such as toilets and urinals.

(f) "Food Service Establishment or "FSE" means any facility, which cuts, cooks, bakes, prepares, or serves food, or which disposes of food-related wastes. FSEs do not include residential users, but may include dormitories, nursing home facilities, fraternities, sororities, schools, hospitals, prisons and other facilities as designated by the Director.

(g) "Garbage Disposal" means a device that shreds or grinds up solid or semisolid waste materials into smaller portions for discharge into the sanitary sewer.

(h) "Grease" means a material composed primarily of fats, oil, and grease from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as grease by definition.

(i) "Grease Interceptor" means a device usually located outdoors and underground and is so constructed as to separate, trap, and hold fats, oils, and greases from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

(j) "Grease Retention Device" means a device so constructed as to separate, trap, and hold fats, oils, and greases from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer. Grease retention devices include grease interceptors, grease traps, and alternative grease retention devices.

(k) "Grease Trap" means a device usually located under or in close proximity to sinks and is so constructed as to separate, trap, and hold fats, oils, and greases from the wastewater discharged by a facility to prevent these substances from entering the sanitary sewer.

(l) "Grease Hauler or Transporter" means one who transfers grease waste from the site of a User to an approved site for disposal and treatment. The hauler is responsible for assuring that all Federal, State, and local regulations are followed regarding waste transport.

(m) "Newly Remodeled FSE" means an FSE that is replacing and/or rearranging kitchen fixture units and/or the kitchen plumbing system. (Ord. 12-28 § 1, 2012).

10.17.030 Applicability.

This chapter shall apply to all food service establishments and to new commercial construction sites located in an area zoned for food service establishments. (Ord. 12-28 § 1, 2012).

10.17.040 Responsibility for administration.

The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency. (Ord. 12-28 § 1, 2012).

10.17.050 Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (Ord. 12-28 § 1, 2012).

10.17.060 Installation requirements for new food service establishments.

All proposed FSEs that discharge wastewater into the City of Bloomington sanitary sewer system shall be required to install an approved, properly operated, and maintained grease interceptor. All interceptor units shall be of the type and capacity approved by the City. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities. (Ord. 12-28 § 1, 2012).

10.17.070 Installation requirements for newly remodeled food service establishments

Newly remodeled FSEs are required to install an approved, properly operated, and maintained grease interceptor. Grease interceptors shall be located so as to provide easy access to the manhole covers for maintenance and inspection activities. All interceptor units shall be installed outdoors of the FSE's building unless the User can demonstrate to the City that an outdoor interceptor would not be feasible. (Ord. 12-28 § 1, 2012).

10.17.080 Installation requirements for existing food service establishments.

All existing FSEs that discharge wastewater into the City's sanitary sewer system are required to install an approved, properly maintained grease trap unless specifically exempted by the City. All grease traps units shall be of the type and capacity approved by the Director. (Ord. 12-28 § 1, 2012).

10.17.090 Design criteria.

(a) Domestic wastewater shall not be discharged into a grease retention device.

(b) Wastewater from dishwashing sinks, mop sinks, hand sinks, and floor drains shall be discharged into a grease retention device.

(c) Interior plumbing plans shall be submitted to the Director depicting all fixtures proposed to be connected to a grease retention device.

(d) Grease retention device proposals shall be submitted to the Director. Grease retention devices shall not be installed without the prior approval of the Director.

(e) Grease interceptors shall be constructed in accordance with the City of Bloomington Utilities Standard Detail #21 and shall have a minimum of two compartments with fittings designed for grease retention. The minimum size for a grease interceptor is 750 gallons. Garbage disposals and dishwashers shall not be connected to a properly sized grease interceptor.

(f) All grease interceptors shall be designed to allow for complete access for inspection and maintenance of inner chambers as well as viewing and sampling of wastewater discharged to the sanitary sewer.

(g) Grease traps shall be designed to allow for complete access for inspection and maintenance activities. Newly installed grease traps shall include a filter that is designed to prevent the discharge of grease from the unit. Dishwashers and garbage disposals shall not be connected to grease traps.

(h) Alternative grease retention devices or technologies shall be subject to the approval of the Director. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

(i) The installation of new or replacement of existing garbage disposal units in FSEs is prohibited. (Ord. 12-28 § 1, 2012).

10.17.100 Best management practices.

The following Best Management Practices or BMPs shall be implemented and adhered to by all FSEs:

(a) Installation. All new and existing FSEs are required to install a grease retention device.

(b) Pumping. All grease interceptors and traps shall be maintained by the User at the User's expense. Maintenance shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludges and solids.

(c) Pumping Prohibitions. Decanting or discharging of removed waste liquid back into the interceptor or trap from which the waste was removed or any other grease interceptor or trap, for the purpose of reducing the volume to be disposed, is strictly prohibited.

(d) Grease Interceptor Maintenance Frequency. Grease interceptors must be pumped out completely a minimum of once every 90 days **or** more frequently if the unit has accumulated waste, both floatable and settleable, accounting for 25% of its wetted depth, as measured from the static water level to the interior tank bottom.

(e) Grease Interceptor Reporting Requirements. Grease hauler pumping receipts must be mailed, faxed, or electronically submitted to the Director within fourteen days of the date of grease interceptor maintenance.

(f) Grease Trap Maintenance Frequency. Grease traps must be pumped/cleaned out completely a minimum of once every 30 days **or** more frequently if the unit has accumulated waste, both floatable and settleable, accounting for 25% of its wetted depth, as measured from the static water level to the interior tank bottom.

(g) Grease Trap Reporting Requirements. Each time the grease trap is cleaned out by the FSE, the FSE is required to fill out the Grease Trap Maintenance Verification Log. The log shall include the date, time, volume of waste removed, disposal site, and signature. The logs must be kept on file at the facility for a minimum of two years and must also be made available to the Director during inspections.

If the FSE hires a grease hauler to pump out the grease trap, the FSE is required to submit the grease hauler's receipts to the Director. The receipts must be mailed, faxed, or electronically submitted to the Director within fourteen days of the date of grease trap maintenance.

(h) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals designed to dissolve, purge, or remove grease from grease traps or grease interceptors is strictly prohibited.

(i) Dishwashing Requirements. FSEs are required to scrape food into the trash and "dry wipe" grease from pots, pans, and dishware prior to dishwashing. Food waste is required to be disposed of in the trash. (Ord. 12-28 § 1, 2012).

10.17.110 Inspections.

Authorized personnel of the City, bearing proper credentials and identification, shall have the right to enter upon all properties subject to this program, at any time and without prior notification, for the purpose of inspection, observation, measurement, sampling, testing or record review, as part of this program. (Ord. 12-28 § 1, 2012).

10.17.120 Enforcement.

Enforcement of these regulations shall be in accordance with the provisions of the City of Bloomington Utilities "Pretreatment Program Enforcement Response Plan." The enforcement response is based on the type of violation(s) and the number of occurrences. Failure to comply with this program will be grounds for penalty imposition and/or discontinuance of service. (Ord. 12-28 § 1, 2012).

10.17.130 Exemptions.

Exemptions shall be made at the Director's discretion for FSEs that can demonstrate that their food preparation practices do not produce grease. (Ord. 12-28 § 1, 2012).

Chapter 10.20

ILLICIT STORMWATER CONNECTION AND DISCHARGE

Sections:

10.20.010 Purpose and intent.
10.20.020 Definitions.
10.20.030 Applicability.
10.20.040 Responsibility for administration.
10.20.050 Ultimate responsibility.
10.20.060 Discharge prohibitions.
10.20.070 Suspension of MS4 access.
10.20.080 Industrial or construction activity discharges.
10.20.090 Monitoring of discharges.
10.20.100 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.
10.20.110 Watercourse protection.
10.20.120 Notification of spills.
10.20.130 Enforcement.
10.20.140 Appeal of notice of violation.
10.20.150 Enforcement measures after appeal.
10.20.160 Cost of abatement of the violation.
10.20.170 Injunctive relief.
10.20.180 Compensatory action.
10.20.190 Violations deemed a public nuisance.
10.20.200 Civil penalty.
10.20.210 Remedies not exclusive.

10.20.010 Purpose and intent.

The purpose of this chapter is to provide for the health, safety, and general welfare of the citizens of the City of Bloomington, Indiana through the regulation of nonstormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

(a) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any User;

(b) To prohibit illicit connections and discharges to the municipal separate storm sewer system;

(c) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.020 Definitions.

As used in this chapter, the following words have the following meanings unless otherwise designated. Where words are not defined, they shall have the meanings provided in the City of Bloomington Utilities "Rules, Regulations and Standards of Service":

(a) "Authorized enforcement agency" means employees or designees of the mayor of the City of Bloomington, Indiana.

(b) "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(c) "Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(d) "Construction activity" means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one acre or more, as defined in 327 IAC 15-5. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

(e) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

(f) "Illegal discharge" means any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in Section 10.20.060 of this chapter.

(g) "Illicit connections" means as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and washwater to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether such drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(h) "Industrial activity" means activities subject to NPDES industrial permits as defined in 327 IAC 15-6.

(i) "National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by EPA (or by a state under authority delegated pursuant to 33 U.S.C. § 1342(b)) that authorizes the discharge of pollutants to Waters of the United States, whether the permit is applicable on an individual, group, or general areawide basis.

(j) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(k) "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(l) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(m) "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(n) "Storm drainage system" means publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other drainage structures.

(o) "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(p) "Stormwater pollution prevention plan" means a document which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(q) "Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.030 Applicability.

This chapter shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.040 Responsibility for administration.

The City shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of, or in the employ of the agency. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.050 Ultimate responsibility.

The standards set forth in this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.060 Discharge prohibitions.

(a) Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated—typically less than one part per million chlorine), firefighting activities, irrigation water, street washwater, and any other water source not containing pollutants;

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety;

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test;

(4) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(b) Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.070 Suspension of MS4 access.

(a) Suspension due to Illicit Discharges in Emergency Situations. The City of Bloomington may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

(b) Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

(c) A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the authorized enforcement agency. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.080 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with the permit may be required in a form acceptable to the City or to the allowing of discharges to the MS4. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.090 Monitoring of discharges.

This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

Access to Facilities.

(a) The City shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(b) Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.

(c) The City shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.

(d) The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

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

(f) Unreasonable delays in allowing the City access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(g) If the City has been refused access to any part of the premises from which stormwater is discharged, and the City is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized en-

forcement agency may seek issuance of a search warrant from any court of competent jurisdiction. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.100 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The City will establish requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the United States. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.110 Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.120 Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the United States, such person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Bloomington within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.130 Enforcement.

Notice of Violation. Whenever the City finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the City of Bloomington Utilities Service Board ("USB") may order compliance by written notice of violation to the responsible person. Emergency notifications may be made by an authorized City employee. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Such notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the

work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.140 Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the USB. The notice of appeal must be received within ten days from the date of the notice of violation. Hearing on the appeal before the appropriate authority or his or her designee shall take place within thirty days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.150 Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within thirty days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It is unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.160 Cost of abatement of the violation.

Within thirty days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.170 Injunctive relief.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.180 Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.190 Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.200 Civil penalty.

Any person that has violated or continues to violate this chapter shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to two thousand five hundred dollars per violation per day. The authorized enforcement agency may recover all attorney's fees, court costs, consultant costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. (Ord. 12-28 § 1, 2012; Ord. 06-10 § 1 (part), 2006).

10.20.210 Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. 06-10 § 1 (part), 2006).
Ord. 12-28 § 1, 2012;

CHAPTER 10.21

CONSTRUCTION SITE AND POST CONSTRUCTION STORMWATER CONTROL

Sections:

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10.21.010 Purpose and intent.

(a) Construction Site Control. The purpose of this chapter is to establish requirements for stormwater discharges from construction activities of one acre or more so that the public health, existing water uses, and aquatic biota are protected. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this chapter are:

(1)To regulate construction activities disturbing more than one acre of land as governed by 327 IAC 15-5;

(2)To require construction site operators to develop and implement a construction plan including a stormwater pollution prevention plan in order to receive a land disturbance permit from the city.

(b) Post-construction Control. The purpose of this chapter is also to implement planning procedures that promote and improve water quality. The planning procedures will include, at a minimum, the post-construction requirements of 327 IAC 15-5-6.5(a)(8). The city may require the use of any storage, infiltration, filtering, and/or vegetative practices to reduce the impact of pollutants on stormwater runoff. Where appropriate, and to the extent of the MS4 operator's authority, the planning procedures may also include the following:

(1)Buffer strip and riparian zone preservation;

(2)Filter strip creation;

(3)Minimization of land disturbance and surface imperviousness;

(4)Minimization of directly connected impervious areas;

(5)Maximization of open space;

(6)Directing the community's growth away from sensitive areas and towards areas that can support growth without compromising water quality. (Ord. 07-28 § 1 (part), 2007).

10.21.020 Definitions.

For the purposes of this chapter, the following shall mean:

(a) "Authorized enforcement agency" means employees or designees of the Mayor of the City of Bloomington, Indiana.

(b) "Best management practices (BMPs)" means schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

(c) "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

(d) "Construction activity" means activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more, as defined in 327 IAC 15-5. Such activities include but are not limited to clearing and grubbing, land disturbance, excavating, and demolition.

(e) "Hazardous materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

(f)"Illegal discharge" means any direct or indirect nonstormwater discharge to the storm drain system, except as exempted in the Bloomington Municipal Code Chapter 10.20 Illicit Stormwater Connection and Discharge.

(g) Illicit Connections. An illicit connection is defined as either of the following:

(1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any nonstormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or,

(2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

(h) "Indiana Stormwater Quality Manual" means a reference manual developed by the state of Indiana that provides guidance on planning principals, as well as criteria for specific structural and non-structural stormwater management practices.

(i)"Industrial activity" means activities subject to NPDES Industrial Permits as defined in 327 IAC 15-6.

(j)"National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

(k) "Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

(l)"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

(m) "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(n) "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

(o) "Storm drainage system" means publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

(p) "Stormwater" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(q) "Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(r)"Wastewater" means any water or other liquid, other than uncontaminated stormwater, discharged from a facility. (Ord. 07-28 § 1 (part), 2007).

10.21.030 Applicability.

(a) This chapter covers any new development or redevelopment construction site resulting in the disturbance of one acre or more of total land area. Persons must meet the general permit rule applicability requirements under 327 IAC 15-2-3. This chapter also applies to disturbances of less than one acre of land that are part of a larger common plan of development or sale if the larger common plan will ultimately disturb one or more acres of land within the corporate limits of the city.

(b) All terms, conditions, definitions, and other measures defined in 327 IAC 15-5 shall apply except for state permitting process references and submittal deadlines of construction plans.

(c) This chapter does not apply to persons who obtain an individual NPDES permit under 327 IAC 15-2-6.

(d) This chapter does not apply to Indiana University which operates as its own MS4 and has its own NPDES permit under 327 IAC 15-2-6.

(e) This chapter does not apply to the Indiana Department of Transportation when it conducts its business within the city corporate limit under its NPDES permit under 327 IAC 15

(f) This chapter does not apply to the following types of activities:

(1) Agricultural land disturbance activities.

(2) Forest harvesting activities.

(g) This chapter does not apply to the following activities, provided other applicable permits contain provisions requiring immediate implementation of soil erosion control measures:

(1) Landfills that have been issued a certification of closure under 329 IAC 10;

(2) Coal mining activities permitted under Indiana Code 14-34;

(3) Municipal solid waste landfills that are accepting waste pursuant to a permit issued by the Indiana Department of Environmental Management under 329 IAC 10 that contains equivalent stormwater requirements, including the expansion of landfill boundaries and construction of new cells either within or outside the original solid waste permit boundary. (Ord. 07-28 § 1 (part), 2007).

10.21.040 Responsibility for administration.

The city shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the mayor of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency. (Ord. 07-28 § 1 (part), 2007).

10.21.050 Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend or imply that compliance by any person will ensure that there will not be violations of NPDES permits. (Ord. 07-28 § 1 (part), 2007).

10.21.060 Responsibility of construction site owner.

(a) The project site owner has the following responsibilities:

(1) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the city. Application for an approved construction plan, including post-construction controls required in Section 10.21.110 below, also referred to as a stormwater pollution prevention plan (SWP3) shall be made to the city engineering department. The city engineering department and the city utilities department will establish procedures and specific standards for obtaining an approved SWP3 consistent with the provisions of this chapter. The application fee for the SWP3 shall be eighty-five dollars, and until said fee is paid no action shall be taken on the application.

(2) Complete a sufficient notice of intent letter submitted to the city with a copy sent to the Indiana Department of Environmental Management.

(3) Make application for a land disturbance permit in accordance with procedures established by the city.

(4) Ensure compliance with this chapter during:

(A) The construction activity; and

(B) Implementation of the construction plan.

(5) Ensure that all persons engaging in construction activities on a permitted project site comply with the applicable requirements of this rule and the approved construction plan.

(6) Notify the city with a sufficient notice of termination letter with a copy sent to the Indiana Department of Environmental Management.

(b) For off-site construction activities that provide services (for example, road extensions, sewer, water, and other utilities) to a permitted project site, these off-site activity areas must be considered a

part of the permitted project site when the activity is under the control of the project site owner.

(c) For an individual lot where land disturbance is expected to be one acre or more and the lot lies within a project site permitted under this rule, the individual lot owner shall:

(1) Ensure that a sufficient construction plan is completed and submitted in accordance with procedures established by the city;

(2) Complete his or her own notice of intent letter and submit it to the city;

(3) Apply for a building permit in accordance with the procedures established by the city.

(d) For an individual lot where the land disturbance is less than one acre and the lot lies within a project site permitted under this rule, the individual lot operator shall:

(1) Comply with the provisions and requirements of the plan developed by the project site owner in accordance with the procedures established by the city;

(2) Comply with the provisions set forth in Section 10.21.100 below;

(3) Not need to submit a notice of intent letter;

(4) Apply for a building permit in accordance with the procedures established by the city.

(Ord. 07-28 § 1 (part), 2007).

10.21.070 General requirements for stormwater quality control.

All stormwater quality measures and erosion and sediment controls necessary to comply with this chapter must be implemented in accordance with the construction plan and sufficient to satisfy the following conditions. A project site owner shall, at least, meet the following requirements:

(a) Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation.

(b) Appropriate measures shall be implemented to minimize or eliminate wastes or unused building materials, including garbage, debris, cleaning wastes, wastewater, concrete truck washout, and other substances from being carried from a project site by run-off or wind. Identification of areas where concrete truck washout is permissible must be clearly posted at appropriate areas of the site. Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations.

(c) A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site.

(d) Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment shall be redistributed or disposed of in a manner that is in accordance with all applicable statutes and regulations.

(e) Stormwater run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law.

(f) The project site owner shall post a notice near the main entrance of the project site. For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition and contain the following information:

(1) Copy of the completed NOI letter and the NPDES permit number, where applicable;

(2) Name, company name, telephone number, e-mail address (if available), and address of the project site owner or a local contact person;

(3) Location of the construction plan if the project site does not have an on-site location to store the plan.

(g) This permit and posting of the notice under subsection (f) above does not provide the public with any right to trespass on a project site for any reason, nor does it require that the project site owner allow members of the public access to the project site.

(h) The stormwater pollution prevention plan shall serve as a guideline for stormwater quality, but should not be interpreted to be the only basis for implementation of stormwater quality measures for a project site. The project site owner is responsible for implementing, in accordance with this rule, all measures necessary to adequately prevent polluted stormwater run-off.

(i) The project site owner shall inform all general contractors, construction management firms, land disturbance or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of this rule and the conditions and standards of the stormwater pollution prevention plan and the schedule for proposed implementation.

(j) Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas.

(k) Appropriate measures shall be planned and installed as part of an erosion and sediment control system.

(l) All stormwater quality measures must be designed and installed under the guidance of a trained individual.

(m) Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner.

(n) Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.

(o) Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with stormwater run-off.

(p) Unvegetated areas that are scheduled or likely to be left inactive for fifteen days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. Alternative measures to site stabilization are acceptable if the project site owner or their representative can demonstrate they have implemented erosion and sediment control measures adequate to prevent sediment discharge. Vegetated areas with a density of less than seventy percent shall be restabilized using appropriate methods to minimize the erosion potential.

(q) During the period of construction activities, all stormwater quality measures necessary to meet the requirements of this rule shall be maintained in working order.

(r) A self-monitoring program that includes the following must be implemented:

(1) A trained individual shall perform a written evaluation of the project site:

(A) By the end of the next business day following each 0.5 inch of rain; and

(B) At a minimum of one time per week.

(2) The evaluation must:

(A) Address the maintenance of existing stormwater quality measures to ensure they are functioning properly; and

(B) Identify additional measures necessary to remain in compliance with all applicable laws and ordinances.

(3) Written evaluation reports must include:

(A) The name of the individual performing the evaluation;

(B) The date of the evaluation;

(C) Problems identified at the project site; and

(D) Details of corrective actions recommended and completed.

(4) All evaluation reports for the project site must be made available to the inspecting authority within forty-eight hours of a request.

(s) Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality.

(t) Final stabilization of a project site is achieved when:

(1) All land disturbance activities have been completed and a uniform (for example, evenly distributed, without large bare areas) perennial vegetative cover with a density of seventy percent has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures have been employed; and

(2) Construction projects on land used for agricultural purposes are returned to its preconstruction agricultural use or disturbed areas, not previously used for agricultural production, such as filter strips and areas that are not being returned to their preconstruction agricultural use, meet the final stabilization requirements in subsection (t)(1) above. (Ord. 07-28 § 1 (part), 2007).

10.21.080 General requirements for individual building lots within a permitted project.

All stormwater quality measures, including erosion and sediment control, necessary to comply with this chapter must be implemented in accordance with the plan and sufficient to satisfy the following conditions.

Provisions for erosion and sediment control on individual building lots regulated under the original permit of a project site owner must include the following requirements:

(a) The individual lot operator, whether owning the property or acting as the agent of the property owner, shall be responsible for erosion and sediment control requirements associated with activities on individual lots.

(b) Installation and maintenance of a stable construction site access.

(c) Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.

(d) Sediment discharge and tracking from each lot must be minimized throughout the land disturbance activities on the lot until permanent stabilization has been achieved.

(e) Clean-up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable laws and ordinances.

(f) Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

(g) For individual residential lots, final stabilization meeting the criteria in Section 10.21.070(t) above rule will be achieved when the individual lot operator:

(1) Completes final stabilization; or

(2) Has installed appropriate erosion and sediment control measures for an individual lot prior to occupation of the home by the homeowner and has informed the homeowner of the requirement for, and benefits of, final stabilization. (Ord. 07-28 § 1 (part), 2007).

10.21.090 Monitoring of discharges.

The city shall have the authority to monitor discharges from construction sites covered under this chapter and as provided in the Bloomington Municipal Code Chapter 10.20 Illicit Stormwater Connection and Discharge. (Ord. 07-28 § 1 (part), 2007).

10.21.100 Requirement to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The city will establish requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. The owner or operator of a construction site shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed in compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWP3) to the extent necessary for compliance with requirements of the NPDES permit. (Ord. 07-28 § 1 (part), 2007).

10.21.110 Post-construction controls for new development or redevelopment.

On areas that undergo new development or redevelopment, site construction resulting in disturbance of one acre or more total land area, post-construction control measures in the form of structural and/or non-structural best management practices are required. Specifically, post-construction stormwater pollutant loading should not exceed pre-construction pollutant loading. Pre-construction refers to the site immediately before the planned land disturbance and development activities occur. Pre-construction is not intended to be interpreted as that period before any human-induced land disturbance activity has occurred. Post-construction pollutant loadings will be controlled through the six minimum control measures under the city's stormwater NPDES permit. Post-construction stormwater best management practices (BMPs) shall follow Indiana's Storm Water Quality Manual as a guidance document. The city shall have full technical and administrative approval authority on the application and design of all post-construction BMPs, conditions, definitions, and submittal requirements of construction plans and specifications and other related documents. The minimum measures are implemented to meet the terms defined in 327 IAC 15-5-6.5(a)(8) which are enumerated below.

The post-construction stormwater pollution prevention plan (SWP3). The SWP3 must include the following information:

(a) A description of potential pollutant sources from the proposed land use that may reasonably be expected to add a significant amount of pollutants to stormwater discharges.

(b) Location, dimensions, detailed specifications, and construction details of all post-construction stormwater quality measures.

(c) A description of measures that will be installed to control pollutants in stormwater discharges that will occur after construction activities have been completed. Such practices include infiltration of run-off, flow reduction by use of open vegetated swales and natural depressions, buffer strip and riparian zone preservation, filter strip creation, minimization of land disturbance and surface imperviousness, maximization of open space, and stormwater retention and detention ponds.

(d) A sequence describing when each post-construction stormwater quality measure will be installed.

(e) Stormwater quality measures that will remove or minimize pollutants from stormwater run-off.

(f) Stormwater quality measures that will be implemented to prevent or minimize adverse impacts to stream and riparian habitat.

(g) A narrative description of the maintenance guidelines for all post-construction stormwater quality measures to facilitate their proper long term function. This narrative BMP description shall be made available to future parties who will assume responsibility for the operation and maintenance of the post-construction stormwater quality measures. (Ord. 07-28 § 1 (part), 2007).

10.21.120 Enforcement.

Enforcement of this chapter shall be subject to the severity of the infraction and the construction site operator's efforts to comply. The city shall reserve the right to interpret enforcement on a case by case basis. Tiered enforcement will be practiced at the mayor's discretion. The tiered enforcement may include:

(a) Verbal warning to the construction site operator to make corrections.

(b) Written warning to the construction site operator to make corrections within a specified period of time. The period of time shall take into account issues such as the severity of the problem, pending weather, seasonal conditions, and the level of effort necessary to correct the problem.

(c) Warning of noncompliance with directions to the construction site operator that site conditions require immediate action.

(d) Stop Work Order. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator. (Ord. 07-28 § 1 (part), 2007).

10.21.130 Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. If a person has violated or continues to violate the provisions of this chapter, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. (Ord. 07-28 § 1 (part), 2007).

10.21.140 Compensatory action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the authorized enforcement agency may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. (Ord. 07-28 § 1 (part), 2007).

10.21.150 Civil penalty.

Any person that has violated or continues to violate this chapter shall be liable to civil penalties to the fullest extent of the law, and shall be subject to a fine of up to two thousand five hundred dollars per violation per day.

The authorized enforcement agency may recover all attorney's fees court costs, consultant costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses. (Ord. 07-28 § 1 (part), 2007).

10.21.160 Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken. (Ord. 07-28 § 1 (part), 2007).

10.21.170 Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies. (Ord. 07-28 § 1 (part), 2007).

10.21.180 Additional requirements.

Compliance with the requirements set out in this provision shall not relieve any person of the independent obligation to comply with all applicable standards and practices set out in Indiana Administrative Code, 327 IAC 15-5 and 327 IAC 15-13, regarding stormwater runoff associated with construction activity; the Indiana Stormwater Quality Manual developed by the Indiana Department of Environmental Management; all applicable provisions of Title 10: Wastewater of the Bloomington Municipal Code regarding stormwater runoff and of Title 20: Zoning; and all applicable rules, regulations, standards and specifications of the city utilities department regarding stormwater management practices. (Ord. 07-28 § 1 (part), 2007).

SECTION 2. **Severability.** If any sections, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 19th day of December, 2012.

TIMOTHY MAYER, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 29th (per 20th) day of December, 2012.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 29th day of December, 2012.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

The Ordinance enacts new requirements for managing wastewater quality which are included in the Federal Clean Water Act Streamlining Rule, administered by the EPA. The National Pollutant Discharge Elimination System ("NPDES") permit which was issued for the City's Dillman Road Wastewater Treatment Plant requires that the City operate an approved Industrial Pretreatment Program as prescribed in the Rule approved by the EPA. The changes to Title 10 of the Bloomington Municipal Code set out in the Ordinance bring the City into compliance with these requirements. The changes also codify and clarify existing policies and practices, and codify new and existing regulations addressing fats, oils, and grease (FOG) generated by Food Service Establishments.

Signed copies to:
Controller
Utilities
WSB
Clerk (2)
BMC
CA