

ORDINANCE 85-48

To Amend Title 10 of the Bloomington Municipal Code Entitled " Wastewater "

WHEREAS, the City of Bloomington has been issued federal National Pollution Discharge Elimination System (NPDES) permits; and

WHEREAS, these permits regulate the discharge of treated wastewater into the navigable streams of the United States; and

WHEREAS, these permits have been issued to both of the City of Bloomington's wastewater treatment facilities; and

WHEREAS, these permits mandate that the City of Bloomington control industrial wastewater entering the sewer system, specifically toxic and other hazardous wastes; and

WHEREAS, the federal government has promulgated pretreatment guidelines which place the burden of administration of pretreatment programs on the local government:

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

SECTION I. Section 10.04.010 Definitions, of Chapter 10.04 of Title 10 of the Bloomington Municipal Code shall be repealed and reenacted to read as follows:

10.04.010 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 wastewater utility rules.

"Act" means the Clean Water Act (33 U.S.C. 1251 et seq), as amended.

"Biochemical Oxygen Demand" or "BOD" means the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures.

"Board" means the Bloomington utilities service board or any duly authorized representative acting in its behalf.

"Categorical Pretreatment Standards" means National Pretreatment Standards specifying pretreatment quantities or concentrations of pollutants or standard pollutant properties which may be discharged or introduced into a POTW by specific industrial discharger

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

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

"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.

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

"Discharger" means any non-residential 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 non-commercial 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.

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

"Indirect Discharge" means the discharge or the introduction of non-domestic pollutants from a source regulated under Section 307 (b) or (c) of the Act, into a POTW.

"Industrial Discharger" means a contributor that: (a) has a flow of more than twenty-five thousand (25,000) gallons per average workday; (b) has in its waste a toxic pollutant in toxic amounts as defined in Section 307 of the Federal Act; (c) has a flow greater than five percent of the total POTW influent; (d) has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or State Statutes and rules; or (e) is found by the City, State, or the U.S. Environmental Protection Agency (EPA) to have significant impact, either by itself or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

"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.

"Interference" means the inhibition or disruption of a POTW's sewer system, treatment processes or operations which may contribute to a violation of any requirement of its NPDES permit.

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

"Person" means any individual, firm, company, partnership, corporation, association, group, or society, including the state, and agencies, districts, commissions, and political subdivisions created by or pursuant to state law.

"Pollutant" means any substance that degrades the quality of water and/or is discharged into a POTW or its collection system, listed in the Act.

"Publicly owned treatment works" or "POTW" means any sewage treatment works and the sewers and conveyance appurtenances discharging thereto, owned and operated by the City.

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW.

"Pretreatment standards" means all applicable federal rules and regulations implementing the Act, as well as any non-conflicting state or local standards.

"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.

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

"Rules" means the rules for the Bloomington wastewater utility adopted by the board.

"Sanitary sewer" means a sewer which carries wastewater and to which all storm, surface, and ground waters and unpolluted

industrial wastewater are not intentionally admitted.

"Sewage" means water-carried human wastes or a combination of water-carried wastes from residence, 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 storm water from the generating source.

"Shall" means mandatory.

"Slugload" means any substance released in a discharge at a rate and/or concentration which causes interference to a POTW.

"Storm water" means any flow occurring during or immediately following any form of natural precipitation and resulting from it.

"Suspended solids" or "SS" means the solids which either float on the surface or are in suspension in water, wastewater, or other liquid and which are removable by laboratory filtration on a glass fiber filter.

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

"Upset" means an exceptional incident in which a discharger unintentionally and temporarily is in a state of non-compliance with the standards set forth in the Act due to factors beyond the reasonable control of the discharger, and excluding non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

"User" means any person who discharges, causes, or permits the discharge or wastewater into the wastewater treatment system.

"Utility" means the Bloomington wastewater utility.

"Wastewater" means industrial waste, or sewage or any other waste including that which may be combined with any ground water, surface water or storm water, that may be discharged 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.

SECTION II. Chapter 10.12 entitled Prohibited Wastewater Discharges of Title 10 of the Bloomington Municipal Code shall be repealed and reenacted to read as follows:

Chapter 10.12

PROHIBITED WASTEWATER DISCHARGES

Sections:

- 10.12.010 General prohibitions
- 10.12.020 General discharge prohibitions
- 10.12.030 Limitations on wastewater strength
- 10.12.040 Special agreements

10.12.010 General prohibitions. It is unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city any wastewater, industrial wastewater, or other polluted water except where suitable treatment has been provided in accordance with the provisions of this chapter.

10.12.020 General Discharge Prohibitions. No discharger shall contribute or cause to be discharged, directly or indirectly, any of the following described substances into the wastewater disposal system or otherwise to the facilities of the City:

a) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction to cause fire or explosion or be injurious in any other way to the operation of the POTW.

b) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater system.

c) Any wastewater having a pH less than 5.0 or higher than 10 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system.

d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, or to exceed the limitation set forth in Categorical Pretreatment Standards (Section 307 of the Act). A toxic pollutant shall include but not be limited to any pollutant identified in the Toxic Pollutant List set forth in Section 307 of the Act.

e) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction are capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair.

f) Any substance which may cause the POTW's effluent or treatment residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, the Resource Conservation and Recovery Act, or State standards applicable to the sludge management method being used.

g) Wastewater having a temperature exceeding 40 degrees C (104 degrees F) which can inhibit biological activity in the POTW treatment plant causing interference with normal plant operations.

h) Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

i) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentrations that may exceed acceptable limits.

j) Any wastewater which causes a hazard to human life or creates a public nuisance.

10.12.030 Limitations on Wastewater Strength.

(a) National Pretreatment Standards, Categorical Standards:

National pretreatment standards as promulgated by the U.S. Environmental Protection Agency (EPA) pursuant to the Act shall be met by all dischargers of the regulated industrial categories. An application for modification of the national categorical pretreatment standards may be considered for submittal to the Regional Administrator by the City, when the City's wastewater treatment system achieves consistent removal of the pollutants as defined by 40 CFR Sec. 403.7.

(b) State Requirements:

State requirements and limitations on discharges to the POTW shall be met by all dischargers which are subject to such standards in any instance in which they are more stringent than Federal requirements and limitations or those in this or any other applicable ordinance.

(c) Right of Revision:

The City reserves the right to amend this title to provide for more stringent limitations or requirements on discharges to the POTW where deemed necessary to comply with the objectives set forth in ~~of~~ this title.

(d) Dilution:

No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this title.

(e) Supplementary Limitations:

No discharger shall discharge wastewater containing concentrations and/or mass limitations of the following enumerated materials, exceeding the following values:

<u>Material</u>	<u>Concentration</u> (mg/l)	<u>Mass Limitation</u> (lbs/100,000 gal effluent/day)
cadmium	0.70	0.57
copper	2.30	1.91
cyanide	1.20	0.96
lead	0.20	0.19
mercury	0.02	0.02
nickel	6.90	5.73
total chromium	6.90	5.73
zinc	11.50	9.56
PCB	<0.010	

The City may impose mass limitations on dischargers which are using dilution to meet the pretreatment standards or requirements of this title, or in other cases where the imposition of mass limitations is deemed appropriate by the City.

(f) Accidental Discharges:

Each discharger shall provide protection from accidental discharge of prohibited or regulated materials or substances established by this title. Where necessary, facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the discharger's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. Each existing discharger shall complete its plan and submit same to the City. No discharger who discharges to the POTW after the aforesaid date shall be permitted to introduce pollutants into the system until accidental discharge protection procedures have been approved by the City. 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.

Dischargers shall notify the City immediately, and in every case no later than one hour, upon the occurrence of a "slugload", 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 slugload 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.

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.

10.12.040 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, by such agreement shall be subject to any charges that may be applicable.

SECTION III. Chapter 10.16 entitled Industrial Wastewater Discharges of Title 10 of the Bloomington Municipal Code shall be repealed and reenacted to read as follows:

Chapter 10.16

Industrial Wastewater Dischargers

Sections:

- 10.16.010 Wastewater dischargers
- 10.16.020 Wastewater discharge permits
- 10.16.030 Reporting requirements for permittees
- 10.16.040 Monitoring facilities
- 10.16.050 Inspection and sampling
- 10.16.060 False statements
- 10.16.070 Confidential information
- 10.16.080 Emergency suspension of service and discharge permits
- 10.16.090 Revocation of permit
- 10.16.100 Notice of violation - administrative adjustment
- 10.16.110 Financial liability
- 10.16.120 Show cause hearing
- 10.16.130 Judicial proceedings
- 10.16.140 Enforcement actions - annual publication
- 10.16.150 Right of appeal
- 10.16.160 Operating upsets
- 10.16.170 Records retention
- 10.16.180 Fees

10.16.010 Wastewater Dischargers. It shall be unlawful for an industrial discharger to discharge sewage, industrial wastes or other wastes without a permit issued by the City to any sewer within the jurisdiction of the City, and/or to the POTW.

10.16.020 Wastewater Discharge Permits.

(a) General Permits:

All industrial dischargers proposing to connect to or to discharge sewage, industrial wastes and other wastes to the POTW shall obtain a wastewater discharge permit before connecting to or discharging to the POTW. All existing industrial dischargers connected to or discharging to the POTW shall obtain a wastewater discharge permit within 90 days after the effective date of this title.

(b) 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 30 days after the effective date of this title, and proposed new industrial dischargers shall apply at least 90 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 bonafide 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, 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 schedule by which the industrial discharger will provide such additional pretreatment and/or implementation of additional operational and maintenance activities.

(A) The 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, and all other acts necessary to achieve compliance with this title.

(B) Under no circumstances shall the City permit a time increment for any single step directed toward compliance which exceeds 9 months.

(C) Not later than 14 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 9 months elapse between such progress reports to the City.

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

11) Disclosure of the type and amount of raw materials utilized (average and maximum per day).

12) All permit applications for new or modified permits shall be signed by a principal executive officer of the industrial discharger.

13) All sewers shall have an inspection and sampling manhole or structure with an opening of no less than 24 inches diameter and an internal diameter of no less than 36 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 30 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.

(c) 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 9 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 Authority 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 Section 10.16.020 (b), the industrial discharger shall apply for a wastewater discharge permit from the City within 180 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 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by paragraphs (8) and (9) of Section 10.16.020 (b). The industrial discharger shall be informed of any proposed changes in his permit at least 30 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 30 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.

(d) Permit Conditions:

Wastewater discharge permit shall specify no less than the following:

- 1) Fees and charges to be paid upon initial permit issuance;
- 2) Limits on the average and maximum wastewater constituents and characteristics regulated thereby;
- 3) 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;
- 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) Compliance schedules;
- 7) Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this title.

(e) Permits Duration:

All wastewater discharge permits shall be issued for a period of 5 years, subject to amendment or revocation as provided in this title. At the end of the stated expiration date the permittee must reapply for a discharge permit under Section 10.16.020(b).

(f) 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 transferrable to any other location.

10.16.030 Reporting Requirements for Permittee

(a) Compliance Date Report:

Within 90 days following the date for final compliance by the industrial discharger with applicable pretreatment standard set forth in this title or 90 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

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 June and December, 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 Pretreatment Standards hereof. In addition, this report shall include a record of all measured or estimated average and maximum daily flows during the reporting period reported in Section 10.16.030 (a) hereof. 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. 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) 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. All analyses shall be performed in accordance with 40 CFR, Part 136 and amendments thereto.

Comment: 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.

10.16.040 Monitoring Facilities. 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.

All monitoring facilities shall be constructed and maintained in accordance with all applicable local construction standards and specifications. Construction shall be completed within 120 days of receipt of permit by industrial discharger.

10.16.050 Inspection and Sampling. The City may inspect the 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, to enter upon the premises of the industrial discharger at all reasonable hours, for the purposes of inspection, sampling, or records examination. 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.

10.16.060 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.

10.16.070 Confidential Information. Information and data

furnished to the City 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 City 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.

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 public 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.

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.

10.16.080 Emergency Suspension of Service and Discharge Permits. The City may for good cause shown suspend the wastewater treatment service and the wastewater discharge permit of an industrial discharger when it appears to the City 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, interfere with the operation of the POTW, violate 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 City, cease all discharges. In the event of failure of the industrial discharger to comply voluntarily with the suspension order within the specified time, the City shall commence judicial proceedings immediately thereafter to compel the industrial discharger's compliance with such order. The City 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 non-complying discharge or conditions creating the threat of imminent or substantial danger as set forth above.

10.16.090 Revocation of Permit. The City may revoke the permit of any industrial discharger which fails to (a) factually report the wastewater constituents and characteristics of its discharge; (b) report significant changes in wastewater constituents or characteristics; (c) refuses reasonable access to the industrial discharger's premises by representatives of the City for the purpose of inspection or monitoring; or (d) violates the conditions of its permit, or this title, or any final judicial order entered with respect thereto.

10.16.100 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 10.16.090 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 30 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.

10.16.110 Financial Responsibility. An industrial discharger that discharges a substance that obstructs or damages the POTW will be held financially liable for the damages incurred.

10.16.120 Show Cause Hearing. Where the violation of Section 10.16.090 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 10.16.090 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.

10.16.130 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 10.16.090 hereof, the Attorney 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.

10.16.140 Enforcement Actions - Annual Publication. A list of all significant industrial dischargers which were the subject of enforcement proceedings pursuant to Section 10.16 of this title during the twelve previous months, shall be annually published by the City in the largest daily newspaper, published in the municipality in which the City is located, summarizing the enforcement actions taken against the industrial dischargers during the same twelve months whose violations remained uncorrected 45 or more days after notification of non-compliance; or which have exhibited a pattern of non-compliance over that twelve month period, or which involve failure to accurately report non-compliance.

10.16.150 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 10.16.080, 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.

10.16.160 Operating Upsets. Any industrial discharger which experiences an upset in operations which places the industrial discharger in a temporary state of non-compliance with this title or a wastewater discharge permit issued pursuant hereto shall inform the City thereof within 24 hours of first awareness of the commencement of the upset. Where such information is given orally, a written follow-up report thereof shall be filed by the industrial discharger with the City within five days. The report shall specify:

- a) Description of the upset, the cause thereof and the upset's impact on an industrial discharger's compliance status.
- b) Duration of non-compliance, including exact dates and times of non-compliance, and if the non-compliance continues, the time by which compliance is reasonably expected to occur.
- c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of non-compliance.

A documented and verified bonafide operating upset shall be an affirmative defense to any enforcement action brought by the City against an industrial discharger for any non-compliance 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.

10.16.170 Records Retention. All industrial dischargers subject to this title shall retain and preserve for no less than three years, any records, books, documents, memoranda, reports, correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of an industrial discharger in connection with its discharge. 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 concluded and all periods of limitation with respect to any and all appeals have expired.

10.16.180 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.

SECTION IV. Severability. If any section, sentence or provision of this ordinance or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other parts of this ordinance which can be given effect without the invalid part, and to this end the provision of this chapter are declared to be severable.

SECTION V. The ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and promulgation as required by law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2 day of October, 1985.

Patricia A. Gross
PATRICIA GROSS, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

Presented by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 2 day of October, 1985.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 2 day of October
, 1985.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This ordinance would update and strengthen the existing wastewater utility ordinance by incorporating new pretreatment regulations and guidelines. The most important aspect of this change will be the issuance of industrial discharge permits to those industrial dischargers who could potentially cause problems at the wastewater treatment facilities.

10/3/85 Signed copies:

1. 4 to Rick Peoples - he will distribute to EPA & state
utilities
2. Legal
3. Controller
4. H-T

