

**ORDINANCE 19-05**

**TO AMEND TITLE 10  
OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED "WASTEWATER"**

**(A Substantial Rewriting of Title 10 Following a Review Conducted in Concert with  
the Environmental Protection Agency)**

WHEREAS, Bloomington Municipal Code Title 10 sets forth uniform requirements for users of the publicly owned treatment works for the City of Bloomington's Wastewater and Stormwater utilities and enables the City to comply with all applicable state and federal laws, including the Clean Water Act and the General Pretreatment Regulations established by the United States Environmental Protection Agency under 40 CFR 403; and

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 operates its pretreatment program in accordance with and under the provisions of 40 CFR 403.8 under a National Pollutant Discharge Elimination System permit; and,

WHEREAS, the United States Environmental Protection Agency has enacted new categorical pretreatment standards under 40 CFR 403 and the City of Bloomington must now amend the Bloomington Municipal Code to bring Title 10 and its pretreatment program up to the new categorical pretreatment standards; and

WHEREAS, the EPA has reviewed and conditionally approved the proposed changes to Title 10 as being in compliance with 40 CFR 403; and

WHEREAS, in addition to meeting the new categorical pretreatment standards under 40 CFR 403, Title 10 is also adding a new definition for new food service establishments to Chapter 10.17; and

WHEREAS, the City of Bloomington Utilities Service Board has reviewed the proposed ordinance and recommends to the 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 entitled "Wastewater" shall be amended by capitalizing the words "city", "director", "industrial user", "industrial users", "publicly owned treatment works", "user", "users", "utilities director", and "utilities service board" wherever these terms appear in this title.

SECTION 2. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by replacing the term "city utilities" with the term City of Bloomington Utilities" wherever these words appears in the title.

SECTION 3. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting and replacing Section 10.04.005 so that it shall read as follows:

**10.04.005 Purpose and Policy**

This Title 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 title 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.

Pursuant to this purpose and policy, The National Categorical Pretreatment Standards, as amended, are hereby incorporated into this Title by reference and made a part hereof and two (2) copies of the material are on file in the Office of City Clerk for public inspection.

This Title shall apply to all Users of the Publicly Owned Treatment Works. The title 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.

SECTION 4. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting and replacing Section 10.04.015 so that it shall read as follows:

**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

SECTION 5. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting and replacing Section 10.04.020 so that it shall read as follows:

**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 Regional Administrator, Region 5, of the United States Environmental Protection Agency.

“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, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where 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 section 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.

“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.

“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 division director, the Regional Administrator, 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, a non-residential user that has the potential to discharge non-domestic wastewater to the POTW, or a commercial, industrial, or government entity that has a sewer connection for domestic wastewater discharge only.

“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 which, alone or in conjunction with a discharge or discharges from other sources, both:

- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and
- (b) Therefore is a cause of violation of any requirement of the POTW’s NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act (33 U.S.C. 1345), the Solid Waste Disposal Act (SDWA) (42 U.S.C. 6901) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the 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 users 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.

“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“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;

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 10.16.090. 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 title. 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 therefrom 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 operating 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 Director of the utility and is 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.

SECTION 6. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by capitalizing the word “rules” wherever it appears in Section 10.04.025.

SECTION 7. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by capitalizing the words “section” and “rules” wherever these words appear in Section 10.04.030.

SECTION 8. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by capitalizing the words “sections” and “rules” wherever these words appear in Section 10.04.040.

SECTION 9. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by replacing the word “him” with the words “that person” as it appears in Section 10.04.060.

SECTION 10. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended in regard to Section 10.04.095 in the following manner:

(1) The words “transmission” and “distribution” shall be capitalized wherever they appear in subsection (f); and

(2) Subsection (h) shall be deleted and replaced so that it shall read as follows:

(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.

SECTION 11. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting and replacing Section 10.04.100 and inserting the new title of this section into the heading for this chapter. Section 10.04.100 shall read as follows:

**10.04.100 Right of Revision.**

The City of Bloomington reserves the right to establish, by ordinance or in individual wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this title.

SECTION 12. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting Section 10.04.110 in its entirety from Title 10, including the heading for this chapter.

SECTION 13. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting and replacing Section 10.08.110 so that it shall read as follows:

**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)	\$7.95
Special laboratory analysis (monthly charge):	
Strength of BOD and SS	\$166.90
Grease and oil	\$156.45

Metal (per metal per test)	\$34.77
User Charge	
Charge per 1,000 gallons per month for all billable usage:	
Non-excessive strength rate	\$7.76
Extra Strength Charge	
Charge per pound per month for all strength in excess of 300 ppm:	
BOD	\$0.380
Suspended Solids	\$0.310

SECTION 14. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting and replacing Section 10.08.120 so that it shall read as follows:

**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 and interceptors, 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 title, grease waste refers to grease of plant or animal origin. Petroleum based oils and grease 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 trap or interceptor. There will be no additional charge for the water used to wash the grease from the trap or interceptor.
  - (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 with a valid Wastewater Management Business Permit issued by the Indiana Department of Environmental Management who transports the waste to the treatment facility for disposal. Any CBU-approved 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.

SECTION 15. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting and replacing Chapter 10.12 and inserting the new title “General Sewer Use Requirements” in the table of contents for this title. Chapter 10.12 shall read as follows:

## **Chapter 10.12**

### **GENERAL SEWER USE REQUIREMENTS**

#### **Sections:**

- 10.12.010**      **General prohibitions.**
- 10.12.020**      **Specific prohibitions.**
- 10.12.025**      **Affirmative defenses.**
- 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 in 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 (5.0) or more than ten (10.0) 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 grease 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 designed 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).

**10.12.025 Affirmative Defenses.**

- (a) It shall be an affirmative defense in any action brought by the City against any User alleging a violation of the general prohibitions established in 10.12.010 and the specific prohibitions in 10.12.020 where the User can demonstrate that:
- (1) It did not know or have reason to know that its discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and
  - (2) Either:
    - (A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with 40 CFR 403.5(c) for each pollutant in the User's discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
    - (B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with 40 CFR 403.5(c) for the pollutant(s) that caused the Pass Through or Interference, the User's discharge direction prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the City was regularly in compliance with the City's NPDES permit requirements and, in the case of Interference, applicable requirements for sewage sludge use or disposal.

**10.12.030 Emergency condition notification**

- (a) An emergency condition is the occurrence of an upset, bypass, 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 Director 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 (including the categorical standards) are incorporated. All Users must comply with the National Categorical Pretreatment Standards.

- (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 and the following requirements:

- (A) To be eligible for mass limits, the Industrial User must:

- (i) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- (ii) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- (iii) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- (iv) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge, and;
- (v) Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

- (B) An Industrial User subject to equivalent mass limits must:

- (i) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- (ii) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- (iii) Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in BMC § 10.12.040(a)(iii). Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- (iv) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to BMC § 10.12.040(a) (i).

- (C) When developing equivalent mass limits, the Director:

- (i) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- (ii) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

- (iii) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to BMC § 10.12.040(a) (7). The Industrial User must also be in compliance with BMC § 10.16.130.
  - (2) When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
  - (3) The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.
  - (4) 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).
  - (5) 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.
  - (6) Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both average and the maximum equivalent limitation.
  - (7) 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.
  - (8) 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.
  - (9) Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.
  - (10) Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- (b) Net/Gross Adjustment. 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 (c) of this Section are met.



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

- (1) Either:
  - (A) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or
  - (B) 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. No Significant Industrial User or other authorized Industrial User shall discharge wastewater that exceeds the following limits:

Pollutant <sup>(a)</sup>	Daily Maximum Discharge Limit (mg/L)
Arsenic	0.24
Cadmium	0.071
Chromium	1.43
Copper	0.846
Lead	0.24
Mercury	0.009
Nickel	1.91
Selenium	0.22
Silver	0.34
Zinc	1.34

(\*) All Pollutants as Total and in mg/L unless otherwise specified.

- (1) The Director may, at his or her sole discretion, implement local limits through allocation of the Maximum Allowable Industrial Load (MAIL) to Significant Industrial Users which correspond to the uniform concentration local limits shown in the table above. The MAILs that correspond to the Daily Maximum Discharge Limits are hereby incorporated by reference.
- (2) The following limits shall apply to wastewaters that are discharged from the groundwater cleanup of petroleum or gasoline underground storage tanks or other remediation wastewaters containing these pollutants or where these pollutants are appropriate surrogates. It shall be unlawful for

any permitted Industrial User to discharge or cause to be discharged any waste or wastewater that exceeds the following limits, as applicable:

Pollutant <sup>(c)</sup>	Daily Maximum Limit (mg/L)
Benzene <sup>(a)</sup>	0.050
BTEX <sup>(b)</sup>	0.750

(\*) All pollutants shown in the Table are total.

(\*\*) BTEX shall be measured as the sum of Benzene, Ethylbenzene, Toluene and Xylenes.

(\*\*\*) These limits are based upon installation of air stripping technology as described in the EPA document: "Model NPDES Permit for Discharges Resulting from the Cleanup of Gasoline Released from Underground Storage Tanks. June 1989."

- (3) The Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- (4) 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.

#### 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. Any 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, addresses, and telephone numbers 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:
  - (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 and interceptors, 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 grease of plant or animal origin. Petroleum based oils and grease 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 trap or interceptor. There will be no additional charge for the water used to wash the grease from the trap or interceptor;

- (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, addresses, and telephone numbers of sources of waste, and volume and category of waste. The Director may establish operating rules, in addition to those rules listed in this section.

SECTION 16. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting and replacing Chapter 10.16 and this chapter, which includes the table of contents, shall read as follows:

## **Chapter 10.16**

### **INDUSTRIAL WASTEWATER DISCHARGERS**

#### **Sections:**

- |                  |   |
|------------------|---|
| <b>10.16.005</b> | <b>Legal authority.</b>                         |
| <b>10.16.010</b> | <b>Wastewater dischargers.</b>                  |
| <b>10.16.015</b> | <b>Compliance schedules.</b>                    |
| <b>10.16.020</b> | <b>Wastewater discharge permits.</b>            |
| <b>10.16.030</b> | <b>Reporting requirements for permittee.</b>    |
| <b>10.16.035</b> | <b>Wastewater sample collection.</b>            |
| <b>10.16.040</b> | <b>Monitoring facilities.</b>                   |
| <b>10.16.050</b> | <b>Right of entry: inspection and sampling.</b> |
| <b>10.16.060</b> | <b>Monitoring waivers.</b>                      |
| <b>10.16.070</b> | <b>False statements.</b>                        |
| <b>10.16.080</b> | <b>Confidential information.</b>                |
| <b>10.16.090</b> | <b>Annual Publication.</b>                      |
| <b>10.16.100</b> | <b>Permit appeals.</b>                          |
| <b>10.16.110</b> | <b>Upsets.</b>                                  |
| <b>10.16.120</b> | <b>Pass through and interference.</b>           |

- 10.16.130 Bypass.**
- 10.16.140 Records retention.**
- 10.16.150 Fees.**
- 10.16.160 Regulation of wastes from other jurisdictions.**

**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 any Significant 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. (Ord. 12-28 § 1, 2012; Ord. 85-48 § 3 (part), 1985). The City may require non-permitted Industrial Users to comply with reporting requirements set forth in 10.16.030 at the discretion of the Director.

**10.16.015 Compliance schedules.**

The requirements of this section shall apply to both permitted and non-permitted 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.**

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. Any violation of the terms and conditions of an industrial wastewater discharge permit shall be deemed a violation of this ordinance and subjects the wastewater discharge permittee to sanctions set forth in this Chapter 10.30 of this title.

- (a) Permit Application. Industrial dischargers shall complete and file with the City, a permit application 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.
  - (15) Develop, submit to the City for approval, and implement a Slug Control Plan pursuant to section 10.16.030(g).
- (b) Permit Terms and Conditions. The terms and conditions of each wastewater discharge permit shall include, but not be limited to, 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 and progress reports as required by Chapter 10.16.015 of this title;
  - (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(g) of this Title;
  - (10) A statement of duration (effective date and termination date);
  - (11) A statement of non-transferability;
  - (12) Requirements for Self-monitoring, sampling, reporting, notification, and recordkeeping. These requirements shall include an identification of pollutants or best management practices to be monitored, sampling location, sampling frequency, and sample type based on Federal, state, and local law;
  - (13) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge;
  - (14) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;
- (c) Permit effective date. The effective date of the wastewater discharge permit is the date in which the USB approves and signs the permit.

- (d) Permit Duration. No wastewater discharge permit shall 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.
- (e) Permit Renewal. Wastewater discharge permits are renewable. To renew a wastewater discharge permit the permittee must apply for renewal no later than four (4) months prior to the expiration date of the permit. Otherwise the permittee must apply for a new permit.
- (f) Permit Transfer and Assignment. Wastewater discharge permits are issued to a specific User at a specific location for a specific operation, and are not assignable to any other User and are not transferable to any other location, without prior written authorization from the Director.
- (g) Permit Modification.
  - (1) The City may modify any wastewater discharge permit in order to ensure the City's compliance with applicable laws and regulations.
  - (2) Changes in National Categorical Pretreatment Standard.
    - (A) No later than 180 days after the promulgation of any applicable National Categorical Pretreatment Standard, all industrial dischargers shall submit to the City the information required by subsections (a)(8) and (a)(9) of this section.
    - (B) No later than nine months after the promulgation of any applicable National Categorical Pretreatment Standard, the wastewater discharge permit of each industrial discharger subject to such standards shall be modified to reflect such standards.
  - (3) All industrial dischargers shall be informed of any proposed modifications in their permit at least sixty days prior to the effective date of modification.
  - (4) Any modification to a permit shall include a reasonable time schedule in which the industrial discharger shall comply.

**10.16.030 Reporting requirements for permittee.**

- (a) Date of submittal.  
All mailed reports are deemed submitted on the date postmarked. All hand delivered reports are deemed submitted on the date of receipt stamped by the City on the report.
- (b) Report on Compliance with Categorical Pretreatment Standard Deadline - Compliance Date Reports.  
All industrial dischargers subject to this title shall submit to the City a Compliance Date 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.
  - (1) The Compliance Date Report shall be submitted to the City no later than ninety (90) days following the date for final compliance by the industrial discharger with applicable pretreatment standards set forth in this title or ninety days following commencement of the introduction of wastewater into the POTW by a new discharger.
  - (2) The Compliance Date Report shall include the following information:
    - (a) The information described in Chapter 10.16.030(f) (4) (e-g) of this Title.
    - (b) Sampling must be performed in accordance with procedures set out in Chapter 10.16.035 of this title.
    - (c) For Industrial Users subject to equivalent mass or concentration limits established by the CBU in accordance with the procedures set forth in Chapter 10.12.040(a) of this Title, this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other

measure of operation), this report shall include the User's actual production during the appropriate sampling period.

- (c) Periodic Compliance Schedule Reports.
- (1) A Periodic Compliance Schedule Report shall be submitted to the City by the following Users:
    - (A) All industrial dischargers subject to a categorical Pretreatment Standard set forth in this title, and
    - (B) Any permitted Industrial User not subject to a categorical Pretreatment Standard set forth in this title.
  - (2) Unless required more frequently by the City, the Periodic Compliance Schedule Report is due in January and July of each year following establishment of the compliance date for pretreatment standards, or, in the case of a new industrial discharger, after commencement of discharge to the City. 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.
  - (3) The Periodic Compliance Schedule Report shall include the following:
    - (A) The nature and concentration of prohibited or regulated substances in the effluent which are limited by any Pretreatment Standards;
    - (B) A record of all measured or estimated average and maximum daily flows during the reporting period. 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;
    - (C) 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;
    - (D) 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.
    - (E) 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.
    - (F) 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.
  - (4) Record Retention and Maintenance.

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.

    - (A) These 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.



- (B) These records shall remain available for a period of at least three years.
- (5) Permittees who implement and adhere to Best Management Practices as required by a categorical Pretreatment Standard must submit documentation of compliance with such requirements.
- (d) **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.
- (e) **Application Signatories and Certification.**
- (1) 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.”
- (2) All requests for monitoring waivers must be signed by an Authorized Representative of the User and contain the following certification statement:
- “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 Chapter 10.16.030(c).”
- (3) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director prior to or together with any reports to be signed by an Authorized Representative.
- (f) **Baseline Monitoring Reports.**
- (1) The following shall submit Baseline Monitoring Reports:
- (A) Existing CIUs currently discharging to or scheduled to discharge to the POTW;
- (B) New Sources (including all sources that become CIUs subsequent to the promulgation of an applicable categorical standard).
- (2) Existing CIUs discharging or scheduled to discharge to the POTW shall submit their Baseline Monitoring Report to the Director either within 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.
- (3) New Sources (including any Sources that become CIUs subsequent to the promulgation of an applicable categorical standard), shall submit their Baseline Monitoring Report to the Director at least ninety (90) days prior to commencement of their discharge.
- (4) The Baseline Monitoring Report shall contain the following information:

- (A) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (B) New Sources. All new sources (including any Sources that become CIUs subsequent to the promulgation of an applicable categorical standard) shall report the method of pretreatment it intends to use to meet applicable categorical standards and shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (C) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (D) 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.
- (E) 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).
- (F) 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. In cases where the Standard requires compliance with Best Management Practice or pollution prevention alternative, the User shall submit documentation and required by the Director or the applicable Standard to determine compliance with the Standard.
  - (iii) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority.
  - (iv) Sampling must be performed in accordance with procedures set out in Chapter 10.16.035 of this title.
- (G) 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.
- (H) 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.

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

(g) Slug Control Plan.

- (1) All Significant Industrial Users shall develop, submit to the City for approval, and implement a Slug Control Plan, along with their application for a wastewater discharge permit.
- (2) Slug Control Plans shall address, at a minimum, the following:
  - (A) Description of discharge practices, including nonroutine batch discharges;
  - (B) Description of stored chemicals;
  - (C) 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.
  - (D) 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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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.

(h) Reports of Changed Conditions.

- (1) Each User shall promptly notify the POTW in advance of any significant change in the volume or character of pollutants in their discharge.
- (2) Each User shall 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.

- (3) 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.
  - (4) The Director may issue a wastewater discharge permit or modify an existing wastewater discharge permit under Section 10.16.020 in response to changed conditions or anticipated changed conditions.
  - (5) 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).
- (i) It is a violation of this chapter for any User to falsify any records or reports submitted to the Utility.
  - (j) Notice of potential problems, including slug loading. All categorical and non-categorical Industrial Users shall notify the POTW immediately of all discharges that could cause problems to the POTW, including any slug loadings, as defined by Chapter 10.04.020 of this Title.

#### **10.16.035 Wastewater Sample collection.**

Samples of wastewater collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and must be 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 Sections (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 Maximum Allowable Discharge Limits.
- (b) Users shall collect samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds using grab collection techniques.
- (c) Users shall collect samples in support of Compliance Date Reports and Baseline Monitoring Reports under section 10.16.030 and [40 CFR 403.12(b) and (d)], as follows:
  - (1) Facilities without historical sampling data.  
Facilities that do not have historical sampling data shall collect a minimum of four (4) grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds;
  - (2) Facilities with historical sampling data.  
Facilities that have historical sampling data shall collect a minimum of four (4) grab samples for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds unless authorized by the Director to use a lower minimum.

- (d) It is a violation of this title for any user to, in any way, tamper with, alter, manipulate or fabricate any sample collection and/or to tamper with, alter or manipulate any sample collection equipment or devices for any reason whatsoever.

**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 Right of Entry: Inspection and sampling.**

The City may inspect any properties or any monitoring facilities of any industrial discharger at any time and without notice 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 purpose of conducting any of their duties including, but not limited to, inspection, sampling, copying and/or examination of records. 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.**

- (a) The Director may grant an Industrial User subject to a Categorical Pretreatment Standard a monitoring waiver for a pollutant regulated by a Categorical Pretreatment Standard that the Industrial User can demonstrate is not present and is not expected to be present in the Industrial User's discharge, or is only present at background levels from intake water and without any increase in the pollutant due to the Industrial User's activities. The waiver is subject to remaining parts of this section.
- (b) A request for monitoring waiver shall, at a minimum, include:
  - (1) Sampling data and other technical factors demonstrating that the pollutant is not present and is not expected to be present in the Industrial User's discharge;
  - (2) 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; and
  - (3) The certification statement 10.16.030(e) (2) of this title signed by an authorized representative.

- (c) Non-detectable sample results. 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.
- (d) The Director shall include any monitoring waiver as a condition of the Industrial User's discharge permit. The reasons supporting the waiver and any information submitted by the Industrial User in its request for the monitoring waiver must be maintained by the Director for three (3) years after expiration of the waiver.
- (e) 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).
- (f) Exceptions and limitations.
  - (1) Monitoring waivers are not available for monitoring required for Compliance Date Reports and Baseline Monitoring Reports under section 10.16.030 and [40 CFR 403.12(b) and (d)].
  - (2) Monitoring waivers 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.
  - (3) Monitoring waivers do not supersede certification processes and requirements that are established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
  - (4) 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)).
  - (5) Monitoring waivers are not available to Industrial Users that in the last two (2) years have been in Significant Noncompliance as is defined in 10.04.020 of this Title.
- (g) Duration/Expiration. Monitoring waivers expire at the end of the Industrial User's wastewater permit, or five years from the date the monitoring waiver was issued, whichever event first occurs.
- (h) Renewal. To receive a new monitoring waiver for the period of the Industrial User's next permit cycle, the Industrial User shall apply for a new monitoring waiver, including submission of all required monitoring data and certifications.
- (i) Revocation. Monitoring waivers may be revoked at any time at the Director's discretion.
- (j) Certification Statement. On each periodic report following approval of the monitoring waiver and revision of the Industrial User's permit by the Director, the Industrial User shall certify that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User, by providing the following certification statement:

“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).”

- (k) If a waived pollutant is found to be present or is expected to be present in the Industrial User's discharge based on changes that occur in the Industrial User's operations, the Industrial User shall immediately do the following:
- (1) Notify the Director that a waived pollutant is present or expected to be present in the Industrial User's discharge; and
  - (2) Comply with the monitoring and reporting requirements of 10.16.030, 10.16.035, and 10.16.040 of this section as well as any more frequent monitoring requirements that may be imposed by the Director.

**10.16.070 False statements.**

Any significant industrial user who shall knowingly or intentionally make any false report, document or statement, or provide inaccurate monetary information shall be reported to the Environmental Protection Agency for investigation of a criminal act. The City may impose additional administrative fines and civil penalties upon conviction. (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 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.
- (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 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 instantaneous 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 (90) 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 (45) 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).

#### **10.16.100 Permit appeals.**

Any person, including the User, may petition the Utilities Service Board to reconsider the terms of a wastewater discharge permit within forty-five (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).

#### **10.16.110 Upsets.**

- (a) Dischargers shall follow emergency notification procedures in Section 10.12.030 within one hour upon the discovery of an upset.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (c) are met. (Ord. 12-28 § 1, 2012; Ord. 06-11 § 16, 2006).
- (c) An Industrial User who wishes to establish the affirmative defense of an operating upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the Industrial User can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;



- (3) The industrial User has met the notification requirements of paragraph (b) of this section;
- (d) In an enforcement proceeding the Industrial User seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) The industrial user shall control production or all discharges to the extent necessary to maintain compliance with categorical Pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

**10.16.120 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).

**10.16.130 Bypass.**

- (a) 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).
- (c) Bypass is prohibited and the City may take enforcement action against an Industrial User for a bypass, unless:
  - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (3) The Industrial User submitted notices as required under paragraph (a) of this section.
- (d) The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in paragraph (c) of this section.

**10.16.140 Records retention.**

All industrial dischargers subject to this title shall retain and preserve for no less than three (3) 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 use; 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).

**10.16.150 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).

**10.16.160 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.

SECTION 17. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by replacing the word "greases" with "grease" wherever it appears in Chapter 10.17.

SECTION 18. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting and replacing Section 10.17.020 so that it shall read as follows:

**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, oils, and grease, or FOG, 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 grease 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 grease 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 grease 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 and disposal.
- (m) New FSE means a food service establishment that is opening for the first time, opening in a new location, or opening under new ownership or a new name.
- (n) “Newly Remodeled FSE” means an FSE that is repairing, replacing, rearranging or installing:
  1. Any kitchen plumbing system;
  2. Any kitchen appliances, fixtures or units that attach to the plumbing system; and/or
  3. Any sanitary sewer lateral.

SECTION 19. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting and replacing Section 10.17.030 so that it shall read as follows:

**10.17.030 Applicability.**

This chapter shall apply to all food service establishments and to new commercial establishments being constructed in an area zoned for food service establishments.

SECTION 20. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by replacing the word “proposed” with the word “new” wherever it appears in Section 10.17.060 so that this section shall read as follows:

**10.17.060 Installation requirements for new food service establishments.**

All new 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.

SECTION 21. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting Section 10.17.090 (which appears later in this ordinance under Section 10.17.110 – see Ordinance Section 24) and replacing it with a new section. The title of the new Section 10.17.090 shall appear in the table of contents for this Chapter 10.17 and the section shall read as follows:

**10.17.090 Installation requirements for new commercial establishments.**

All proposed new commercial establishments located within an area zoned for food service establishments 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.

SECTION 22. Title 10 of the Bloomington Municipal Code entitled “Wastewater” shall be amended by deleting Section 10.17.100 (which appears later in this ordinance under Section 10.17.120 – see Ordinance Section 25) and replacing it with a new section. The title of the new Section 10.17.100 shall appear in the table of contents for this Chapter 10.17 and the section shall read as follows:

**10.17.100 Installation Requirements for food service establishments causing or contributing to a Sanitary Sewer Overflow.**

All FSEs causing or contributing to a Sanitary Sewer Overflow into a building, on a private lateral, sewer main, or the POTW must 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.

SECTION 23. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting Section 10.17.110 (which appears later in this ordinance under Section 10.17.130 – see Ordinance Section 26) and replacing it with a new section. The title for this new Section 10.17.110 shall appear in the table of contents for Chapter 10.17 and the new section shall read as follows:

**10.17.110 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) Garbage disposals are prohibited in all FSEs.

SECTION 24. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting Section 10.17.120 and replacing it with a new section. The title for this new Section 10.17.120 shall appear in the table of contents for Chapter 10.17 and the new section shall read as follows:

**10.17.120 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, and 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.
- (h) 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.
- (i) Chemical Treatment. The use of chemical treatments such as bacterial additives, emulsifiers, drain cleaners, enzymes, acids, and other chemicals used to dissolve, purge, digest or remove grease from grease traps, grease interceptors, or the sanitary sewer is strictly prohibited.
- (j) 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).

SECTION 25. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by deleting Section 10.17.130 (which appears in revised form as Section 10.17.140 – see Section 27 of this ordinance) and replacing it with a new section. The title for this new Section 10.17.130 shall appear in the table of contents for Chapter 10.17 and the new section shall read as follows:

**10.17.130 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.

SECTION 26. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by adding a new Section 10.17.140. The title for the new section 10.17.140 shall appear in the table of contents for Chapter 10.17 and the new section shall read as follows:

**10.17.140 Exemptions.**

Exemptions may be made at the Director's discretion for FSEs.

SECTION 27. Title 10 of the Bloomington Municipal Code entitled "Wastewater" shall be amended by inserting a new Chapter 10.30. The title for this Chapter 10.30 shall appear in the table of contents for Title 10 and the Chapter 10.30 shall read as follows:

**CHAPTER 10.30**

**ENFORCEMENT PENALTIES AND APPEALS**

Sections:

- 10.30.005 Application; Exceptions**
- 10.30.010 Authority**
- 10.30.020 Public Nuisance**
- 10.30.030 Administrative Remedies**
- 10.30.040 Judicial Enforcement Remedies.**
- 10.30.050 Additional Remedy.**
- 10.30.060 Remedies Nonexclusive.**
- 10.30.070 Appeals**

**10.30.005 Application; Exceptions.**

This Chapter applies to all of Title 10 with the exception of Chapters 10.20 and 10.21 which have their own enforcement, penalty and appeal procedures.

**10.30.010 Authority.**

The Utilities Director is the designated enforcement official with full authority to issue permits, conduct investigations, conduct inspections, issue reports, and secure remedies, including, but not limited to, fines and injunctive relief for any violation of this title, subject to Section 10.30.005. The Utilities Director may impose any and all sanctions available for any violations at the Utilities Director's discretion.

**10.30.020 Public Nuisance.**

A violation of any provision of this title (subject to Section 10.30.005), wastewater discharge permit or order issued herein, or any other pretreatment standard or requirement, is a threat to public health, safety, and welfare, and is declared a public nuisance, and may be summarily abated or restored by the City at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**10.30.030 Administrative Enforcement Remedies.**

When the Director finds that a User has violated, or continues to violate, any provision of this title (subject to Section 10.30.005), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may implement any one or more of the following administrative enforcement remedies:

- (a) Telephone Notice. In instances where a violation has occurred and/or continues to occur, the Director may provide notice of said violation by telephonic notice to any User so violating.
- (b) Site Visits: Inspection and Sampling. The Director may conduct site visits of any User, and shall have the right to enter the premises of any User, to determine whether the User is complying with all requirements of this title (subject to Section 10.30.005) and any individual wastewater discharge permit or order issued herein.

Users shall allow the Director ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director shall be permitted to enter without delay for the purpose of performing specific responsibilities.
  - (2) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
  - (3) The Director may require the User 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 user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated per manufacturer's specifications, at a minimum, to ensure their accuracy.
  - (4) Upon written or verbal request of the Director, any temporary or permanent obstruction to safe and easy access to the facility to be visited, inspected and sampled, shall be promptly removed by the User at the User's expense and shall not be replaced.
  - (5) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this title (subject to Section 10.30.005).
- (c) Notice of Violation. When the Director finds that a User has violated, or continues to violate, any provision of this title (subject to Section 10.30.005), wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may serve or cause to be served upon that User a written Notice of Violation clearly identifying the nature of the violation and directing the User to come into compliance within a specified period of time. The Notice of Violation may also require the User to provide a written response to the violation within a specified period of time ranging from 24 hours to 30 days.

If the User does not come into compliance within the time provided, the sewer service may be discontinued until and unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Notice of Violation also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. Issuance of a Notice of Violation shall not be a bar against, or a prerequisite for, taking any other action against the User.

- (d) Compliance Schedules. When the Director finds a User has violated, or continues to violate, any provision of this title (subject to 10.30.005), a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director may require the User to complete a Compliance Schedule. Such a document shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as an Administrative Order pursuant to Section 10.30.030 (e) of this Title and shall be judicially enforceable. The Director may, at his discretion, issue a Compliance Schedule or allow the User to propose a Compliance Schedule for approval. Compliance Schedules issued to Industrial Users shall meet the requirements of Section 10.16.015 of this Title. A Compliance Schedule may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a Compliance Schedule relieve the User of liability for



any violation, including any continuing violation. Issuance of a Compliance Schedule shall not be a bar against, or a prerequisite for, taking any other action against the User.

(e) Administrative Orders. When the Director finds that a User has violated, or continues to violate, any provision of this title (subject to Section 10.30.005), an individual wastewater discharge permit, or order issued hereunder, or another Pretreatment Standard or Requirement, the Director may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative Orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An Administrative Order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does an Administrative Order relieve the User of liability for any violation, including any continuing violation. Issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the User.

(f) Administrative Fines. Any User that has violated, or continues to violate, any provisions of this title (subject to Section 10.30.005), wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, shall be subject to a fine of not more than two thousand five hundred dollars. Such fine 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.

(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.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

(g) Emergency Suspension of Discharge.

(1) The Director may immediately suspend a User's discharge for the following reasons:

(A) Whenever actual or threatened discharge reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons;

(B) Whenever discharge presents, or may present, an endangerment to the environment; or

(C) Whenever discharge threatens to interfere with the operation of the POTW.

(2) The Director shall notify the User that an Emergency Order for Suspension of Discharge has been issued before suspension occurs.

(3) Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge.

- (4) If a User fails to immediately comply with an Emergency Order for Suspension of Discharge, then the Director may take such steps as deemed necessary, including immediate severance of the sewer connection.
  - (5) The emergency discharge suspension shall not be lifted until further order of the Director.
  - (6) 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.
- (h) Termination of Discharge. The Director may terminate the discharge of any User who commits any of the following acts:
- (1) Failure to comply with any 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) Failure to comply with any of the pretreatment standards in Chapter 10.12 of this title.

The User shall be notified of the proposed termination of its discharge and be offered an opportunity to show cause why termination should not occur. Exercise of this option by the Director shall not be a bar to, or a prerequisite for, taking any other action against the User.

- (i) Revocation of Permit. The Director may revoke the permit of any industrial discharger for good cause, including, but not limited to the following reasons:
- (1) Failure to factually report the wastewater constituents and characteristics of its discharge;
  - (2) Failure to report significant changes in wastewater constituents or characteristics prior to changed discharge;
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
  - (4) Falsifying self-monitoring reports and certification statements;
  - (5) Tampering with monitoring equipment;
  - (6) Failure to meet effluent limitations;
  - (7) Failure to pay fines;
  - (8) Failure to pay sewer charges;
  - (9) Failure to meet compliance schedules;
  - (10) Failure to complete a wastewater survey or the wastewater discharge permit application;
  - (11) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
  - (12) Refuses reasonable access to the industrial discharger's premises by representatives of the City for the purpose of inspection or monitoring;
  - (13) Violates the conditions of any Pretreatment Standard or Requirement, its permit, or this title (subject to Section 10.30.005), or any final judicial order entered with respect thereto;
  - (14) Causes the POTW to violate its NPDES permit; or
  - (15) Failure to adhere to the terms of a special agreement.
- (j) Press Release. When the Director finds that a User has violated, or continues to violate, any provision of this title (subject to Section 10.30.005), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may issue a press release to a local paper providing information regarding any and all violations. This information may also be included in any annual wastewater performance report to IDEM.

#### **10.30.040 Judicial Enforcement Remedies.**

When the Director finds that a User has violated, or continues to violate, any provision of this title (subject to 10.30.005), a wastewater discharge permit, any order issued herein, or any other pretreatment standard or requirement, the Director may seek the following judicial enforcement remedies through the City Legal Department in a court of competent jurisdiction:

- (a) Injunctive Relief. The Director may seek issuance of a temporary or permanent injunction, as appropriate, to restrain or compel the specific performance of any wastewater discharge permit or order issued herein, or any other requirement imposed by this title (subject to Section 10.30.005) on activities of the User. The Director may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar to, or a prerequisite for, taking any other action against the User.
- (b) Civil Penalties.
  - (1) A User who has violated, or continues to violate, any provision of this title (subject to 10.30.005), any wastewater discharge permit or order issued herein, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$2,500.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation.
  - (2) The Director may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.
  - (3) Civil liability shall be calculated by taking into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User and any other factor as justice may require.
  - (4) Filing a suit for civil penalties shall not be a bar to, or a prerequisite for, taking any other action against the User.

#### **10.30.050 Additional Remedy.**

Violations of this Title (subject to Section 10.30.005), a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, may be referred for further enforcement, investigation and/or prosecution. Possible criminal activity, such as false reporting or illegal discharges which result in personal injury or property damage, and which could have been prevented, will be referred to the Monroe County Court for prosecution.

#### **10.30.060 Remedies Nonexclusive.**

The administrative and judicial remedies provided for in this Title (subject to Section 10.30.005) are nonexclusive. The Director may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the City's Enforcement Response Plan. However, the Director may take other action against any User when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant User.

#### **10.30.070 Appeals.**

- (a) Users may appeal any written order or ruling by the Director on any matter covered by this Title (subject to Section 10.30.005).

- (b) An appeal by an industrial discharger that deals with matters of performance or compliance with this title (subject to Section 10.30.005), or deals with a wastewater discharge permit issued pursuant hereto, for which enforcement activity relating to an alleged violation is the subject, shall stay all enforcement activity pending issuance of the Utilities Service Board's written findings. This rule does not apply to emergency suspensions made under Section 10.30.030(g).
- (c) All appeals shall include the following information:
  - (1) Appellant's name;
  - (2) Appellant's address;
  - (3) A copy of the Director's order or ruling being appealed; and
  - (4) Remedy being sought by appellant.
- (d) All appeals shall be delivered to the Utilities Service Board no later than fourteen (14) days from receipt of the written order or ruling.
- (e) The Utilities Service Board shall promptly issue its findings in writing.
- (f) Any appeal of the Utilities Service Board shall be filed with a court of competent jurisdiction no later than fourteen (14) days from receipt of the Board's written findings.


SECTION 28. If any section, 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 29. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and all other requirements of the Indiana Code are met.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20<sup>th</sup> day of February, 2019.

  
 \_\_\_\_\_  
 DAVE ROLLO, President  
 Bloomington Common Council

ATTEST:

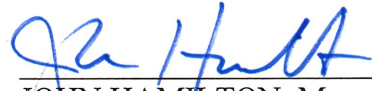
  
 \_\_\_\_\_  
 NICOLE BOLDEN, Clerk  
 City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 21<sup>st</sup> day of February, 2019.

  
 \_\_\_\_\_  
 NICOLE BOLDEN, Clerk

City of Bloomington

SIGNED and APPROVED by me upon this 22<sup>d</sup> day of February, 2019.

  
JOHN HAMILTON, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends the Bloomington Municipal Code Title 10 in four substantial ways:

First, this ordinance amends Chapters 10.12 and 10.13 to update the City of Bloomington Utilities Wastewater pretreatment program to reflect the new standards enacted by the United States Environmental Protection Agency. These amendments were reviewed and provisionally approved by the Environmental Protection Agency pending approval by the City of Bloomington Common Council.

Second, this ordinance moves all pretreatment enforcement penalties and procedures to a new Chapter 10.30. These amendments were reviewed and provisionally approved by the Environmental Protection Agency pending approval by the City of Bloomington Common Council.

Third, Chapter 10.17 regarding the City of Bloomington Utilities Department's fats, oils and grease (FOG) program has been amended to define what a new food service establishment is, better identify the existing requirement for new commercial construction sites located in an area zoned for food service establishments to install grease interceptors, and better establish the obligation of food service establishments that cause or contribute a sanitary sewer overflow to install a grease interceptor. The amendments also prohibit the use of garbage disposals in all food service establishments. These amendments were reviewed and provisionally approved by the Environmental Protection Agency pending approval by the City of Bloomington Common Council.

Fourth, this ordinance cleans up Title 10 formatting in many sections by replacing large paragraphs with outlines in an attempt to make reading this Title easier.