

## CHAPTER 51: SEWER

### SERVICE

## GENERAL PROVISIONS

### § 51.000 PURPOSE & POLICY

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

- (A) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (B) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (C) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (D) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (E) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (F) To enable the Town of Waterloo to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

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

### § 51.001 ADMINISTRATION.

Except as otherwise provided herein, the Town Manager or authorized employees of the Town shall administer, implement, and enforce the provisions of this chapter. The Town Manager may delegate any powers granted to or duties imposed upon the Town to other Town personnel.

### § 51.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPROVAL AUTHORITY.** The State of Indiana Department of Environmental Management (IDEM).

**BUILDING DRAIN.** That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of a building and conveys it to the building sewer beginning three feet outside the building wall.

- (1) **BUILDING DRAIN - SANITARY.** A building drain which conveys sanitary or industrial sewage only.

- (2) **BUILDING DRAIN - STORM.** A building drain which conveys stormwater or other unpolluted water drainage, but no wastewater.

**BUILDING SEWER.** The extension from the building drain to the public sewer or other place of disposal  
(also called house connection).

- (1) **BUILDING SEWER - SANITARY.** A building sewer which conveys sewage only.

- (2) **BUILDING SEWER - STORM.** A building sewer which conveys stormwater or other clearwater drainage, but no sanitary or industrial sewage.

**CARBONACEOUS BIOCHEMICAL OXYGEN DEMAND (CBOD).** The depletion of dissolved oxygen by biological organisms in a body of water (sewage, sewer effluent, polluted waters or industrial wastes) in which the contribution from nitrogenous bacteria has been suppressed.

**COMBINED SEWER.** A sewer intended to receive both wastewater and storm or surface water.

**COMPATIBLE POLLUTANT.** Wastewater having or containing: 1) measurable CBOD, total suspended solids, pH, *E. coli*, or additional pollutants identified or defined in the Town's National Pollutant Discharge Elimination System (NPDES) permit, if the POTW is designed to treat such pollutants and does, in fact, remove such pollutants to the degree required by the POTW's NPDES permit.

**COMPOSITE SAMPLE.** A composite sample should contain a minimum of four discrete samples, taken at equal time intervals over the compositing period or proportional to the flow rate over the compositing period.

**CROSS-CONNECTION.** Any physical connection or arrangement between two otherwise separate systems, one of which contains potable water from the Town water system, and the other water from a private source, water of unknown or questionable safety, or steam, gases, or chemicals, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

**EASEMENT.** An acquired legal right for the specific use of land owned by others.

**FATS, RAGS, OIL AND GREASE (FROG).** A solid or viscous pollutant in an amount that could cause obstruction to the sewerage system, specifically referencing fats and oils, rags, and grease.

**FECAL COLIFORM.** Any of a number of organisms common to the intestinal tract of man and animals, whose presence in sanitary sewage is an indicator of pollution.

**FINE OR PENALTY.** For purposes of this chapter, these terms will be used synonymously, meaning a monetary charge or payment imposed upon a person or user that is not complying with the requirements of this chapter or has been convicted of a crime of offence. Fines or penalties are imposed by the Town to the user as part of enforcement actions.

**GARBAGE.** Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage and sale of produce.

**GRAB SAMPLE.** A sample taken on a one-time basis without consideration for flow or time.

**HAULED OR TRUCKED POLLUTANTS.** Wastes, including holding tank waste, which is trucked or hauled from any location prior to discharge to the POTW, collection system, or by any other conveyance.

**INDIRECT DISCHARGER.** A nondomestic discharger introducing pollutants into a POTW, regardless of whether the discharger is within the governmental jurisdiction of the user.

**INDUSTRIAL WASTES.** Any solid, liquid, or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the

development, recovery, or processing of any natural resources carried on by any person, exclusive of sanitary sewage..

**INFILTRATION.** The water entering a sewer system, including building drains and sewers, from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections, or manhole walls (**INFILTRATION** does not include and is distinguished from inflow).

**INFILTRATION/INFLOW.** The total quantity of water from both infiltration and inflow without distinguishing the source.

**INFLOW.** The water discharge into a sewer system, including building drains and sewers, from such sources as, but not limited to, roof leaders, sump pumps, cellar, yard and area drains, foundation drains, unpolluted cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers, and combined sewers, catch basins, stormwater, surface run-off, street wash waters or drainage. (**INFLOW** does not include, and is distinguished from, infiltration).

**INSPECTOR.** The person or persons duly authorized by the Town, through its Town Council, to inspect and approve the installation of building sewers and their connection to the public sewer system.

**INTERFERENCE.** A discharge that, alone or in conjunction with a discharge or discharges from other sources, does one of the following:

- (1) Inhibits or disrupts the sewerage system, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods.
- (2) Causes odorous impacts to the sewerage system.
- (3) Causes a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.
- (4) Prevents the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent federal, state, or local laws, rules, or regulations:
  - (a) Section 405 of the Clean Water Act (33 U.S.C. 1345), as it may be amended.
  - (b) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), as it may be amended, including:
    - i. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), as it may be amended; and
    - ii. The rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941), as it may be amended.
  - (c) The Clean Air Act (42 U.S.C. 7401), as it may be amended.
  - (d) The Toxic Substances Control Act (15 U.S.C. 2601), as it may be amended.

**LATERAL.** A privately-owned pipeline connecting a property to the publicly-owned main sewer line that is the responsibility of the property owner to maintain and repair. Also known as, building sewer.

**MAY.** This term is permissive.

**NATURAL OUTLET.** Any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

**NORMAL DOMESTIC SEWAGE (TO DETERMINE SURCHARGES).** Wastewater or sewage having either an average daily concentration as follows:

- (1) CBOD<sub>5</sub> not more than 250 mg/l; (2) TSS not more than 250 mg/l;
- (3) Phosphorus not more than 15 mg/L; (4) FROG not more than 100 mg/L;
- (5) Petroleum, non-biodegradable cutting oil, mineral oils not more than 0 mg/L; and
- (6) TKN not more than 40 mg/l; or

(7) As defined by origin, wastewaters from segregated domestic and/or sanitary conveniences, as distinct from wastes from industrial processes.

**NPDES PERMIT.** A permit issued under the National Pollutant Discharge Elimination System for discharge of wastewaters to the navigable waters of the United States pursuant to Ind. Code § 13-18 and 33 USC 1342.

**PASS THROUGH.** A discharge proceeding through a POTW into waters of the state in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Town's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON.** Any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, governmental entity, society, corporation, group or any other legal entity, or their legal representatives, agents, or assigns.

**pH.** A measure of the acidity or alkalinity of a solution expressed in standard units of 0-14.

**PLUMBER.** A person or firm licensed by the State of Indiana and recognized qualified to perform plumbing services.

**POLLUTANT.** Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, toxic wastes, hazardous substances, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, commercial, and agricultural wastes or any other contaminant discharged into water; also includes certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**PRETREATMENT.** The reduction of the amount of pollutants, the elimination of pollutants, the eliminations 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 REQUIREMENTS.** Any substantive or procedural requirements related to pretreatment, other than a pretreatment standard, imposed on an industrial user, including applicable local limits.

**PRETREATMENT STANDARDS.** Any prohibited discharge standards, categorical pretreatment standards, and local limits, including state pretreatment standards as established by 327 IAC 5-18-8; pretreatment standards for prohibited discharges, as established in 327 IAC 5-18-2; National Categorical Pretreatment Standards incorporated by reference in 327 IAC 5-18-10.

**PRIVATE SEWER.** A sewer which is not owned by the Town.

**PROCESS WASTEWATER.** Any water that, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product.

**PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES.** Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 51.204 and 51.205 of this chapter.

**PROPERLY SHREDDED GARBAGE.** The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

**PUBLIC SEWER.** A sewer which is owned and controlled by the Town/POTW.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A treatment works, as defined by section 212 of the Clean Water Act (33 USC § 1292), owned by the Town and includes any devices, structures and 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.

**REPLACEMENT COSTS.** The expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the POTW to maintain the capacity and performance for which such works were designed and constructed.

**SANITARY SEWER.** A sewer which carries sanitary and industrial wastewaters, and to which storm, surface, and ground water are not intentionally admitted.

**SEWAGE.** The liquid and water-carried waste from residences, commercial buildings, industrial plants, institutions, and other places of human occupancy that is transported by sewers and is primarily composed of human and household waste. Sanitary wastewater, as received by a POTW, may contain a component of industrial waste.

**SEWERAGE SYSTEM.** The structures, equipment and process required to collect, transport and treat domestic and industrial wastes and dispose of the effluent and accumulated residual solids.

**SEWER.** A pipe or conduit for carrying sewage.

**SHALL.** This term is mandatory.

**SIGNIFICANT INDUSTRIAL USER (SIU).** The term SIU means:

- (1) Industrial Users subject to categorical Pretreatment Standards or.
- (2) An Industrial User that:
  - (a) discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater);
  - (b) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the POTW; or
  - (c) is designated as such by the Town on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation, violating a pretreatment standard, or violating a requirement of 327 IAC 5-19-3.
- (3) The approval authority may, on its own initiative or in response to a petition received from an Industrial User or a POTW and in accordance with 327 IAC 5-19-3(6), determine that an Industrial User is not a Significant Industrial User if it does not meet (2)(c) of this definition.

**SLUG or SLUG DISCHARGE.** Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Sections 51.204 and 51.205 of this Ordinance. A slug discharge is any discharge of a non-routine, episodic nature, 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 regulations, local limits or permit conditions.

**STANDARD METHODS.** The laboratory procedures set forth in the latest edition, at the time of analysis, of 40 CFR 136 and its amendments.

**STORM SEWER.** A sewer for conveying stormwater, surface water, ground water, or unpolluted water from any source and to which sanitary and/or industrial wastes are not intentionally admitted.

**STORMWATER.** Stormwater runoff, snow melt runoff, and surface runoff and drainage.

**SUPERINTENDENT.** The responsible individual for the operation of the POTW, and who is charged with certain duties and responsibilities under this Ordinance, or a duly authorized deputy, agent or representative.

**TOTAL KJELDAHL NITROGEN (TKN).** TKN is the total concentration of organic nitrogen, ammonia and ammonium in soil, water, or wastewater.

**TOTAL SUSPENDED SOLIDS (TSS).** Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

**TOWN.** Authorized employees of the Town of Waterloo, Indiana.

**TOWN COUNCIL.** The Town Council or any duly authorized officials acting in its behalf.

**TOWN MANAGER.** The responsible individual for the administrative management of the Town of Waterloo and the POTW, and who is charged with certain duties and responsibilities under this Ordinance or a duly authorized deputy, agent or representative.

**UNPOLLUTED WATER.** Water of quality equal to or better than the effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

**UPSET.** An exceptional incident in which there is unintentional and temporary noncompliance with pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed pretreatment facilities, inadequate pretreatment facilities, lack of preventive maintenance, or careless or improper operation.

**USER.** A person who introduces into or discharges into the sewerage system, including both the owner and occupant of real estate from which is introduced or discharged into the sewerage system, any substance whatever.

**USER CHARGE.** A charge levied on users of the wastewater POTW for the cost of operation and maintenance of the POTW as may be amended from time to time by the Town Council.

**USER CLASS.** The division of wastewater treatment customers by source, function, waste characteristics, and process of discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental). [( '92 Code, § 50.20) (Ord. 246, passed 4-21-77)]

- (1) **RESIDENTIAL USER.** A user of the POTW whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, and the like.
- (2) **COMMERCIAL USER.** Any establishment involved in a commercial enterprise, business, or service which, based on a determination by the Superintendent, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (3) **INSTITUTIONAL USER.** Any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Superintendent, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
- (4) **GOVERNMENTAL USER.** Any federal, state, or local governmental user of the wastewater POTW.
- (5) **INDUSTRIAL USER.** Any source of an indirect discharge to the POTW from manufacturing or processing facilities.

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

**WATERCOURSE.** A natural or artificial channel for the passage of water either continuously or intermittently.



### **51.003 SUPERSEDING OF CONFLICTING PROVISIONS AND ORDINANCES**

This Ordinance is supplemental to other rules, regulations, charges and fees of the Town. The provisions of any ordinances previously or in existence at the time of the adoption of this Ordinance and rules or regulations that may be in conflict with this Ordinance are superseded by this Ordinance to the extent a conflict exists.

### **§ 51.004 RULES AND REGULATIONS.**

The rules and regulations promulgated and approved by the Town, shall among other things, provide for an appeal procedure whereby a user shall have the right to appeal a decision of the Superintendent to the Town Council, and that any decision made by the Town Council, concerning the sewage system of the Town, may be appealed to a court of competent jurisdiction under the appeals procedure provided for in the Indiana Administration Orders and Procedures Act (Ind. Code § 4-21.5).

### **§ 51.005 AMENDMENTS AND REVISIONS.**

The Council may, as appropriate, amend, modify, delete, change or otherwise revise the general rules and regulations of the POTW as it may deem desirable and/or may deem necessary for the good of the its operation.

### **§ 51.006 DAMAGE TO SEWAGE WORKS.**

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewerage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct. Nothing in this Ordinance shall limit or otherwise alter possible criminal penalties provided for such damage under applicable law.

### **§ 51.007 INSPECTION OF PREMISES.**

(A) The Superintendent, or authorized employees of the Town, bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this chapter. The authorized Town, State and Federal employees shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(B) While performing the necessary work on private properties, the Town or duly authorized employees of the Town shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Town employees and the Town shall indemnify the company against loss or damage to its property by Town employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in § 51.204.

(C) The Town or authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewerage system lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

### **§ 51.008 LEGAL AUTHORITY.**

The Town has the legal authority to:

1. Develop and enforce specific limits on prohibited substances;

2. Enter the premises of any industrial user to conduct inspections, surveillance, record review and/or monitoring, as necessary to determine compliance with the sewer use chapter and, if applicable, any effective industrial wastewater pretreatment permit;
3. Accept or deny any new or increase discharges from any indirect discharger;
4. Immediately halt or prevent any discharge of pollutants to the sewerage system which reasonably appears to present an imminent endangerment to the health or welfare of the public, the environment, and/or which threatens to interfere with the operation of the POTW;
5. Require compliance with all applicable pretreatment standards and requirements by indirect dischargers;
6. Impose fees, if necessary, to offset the cost incurred by the POTW for administering the pretreatment program requirements established in this chapter; and
7. Impose fines in accordance with Sections 51.500 through 51.999 of this chapter.

## **CONNECTION TO SEWER SYSTEM**

### **§ 51.100 USE OF PUBLIC SEWER REQUIRED.**

(A) It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any human or animal excrement, garbage, or other objectionable waste.

(B) No person shall discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water, unpolluted water, unpolluted industrial process water, or any other waters considered to be inflow or infiltration. The Town shall require the removal of unpolluted water from the sewerage system if such removal is cost-effective and is in the best interest of all users of the sewerage system.

(C) No person shall place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the jurisdiction of the Town, any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and a NPDES permit.

(D) No person shall discharge or cause to be discharged to any natural outlet any wastewater or other polluted waters except where suitable treatment has been provided in accordance with provisions of this chapter and a NPDES permit.

(E) No outdoor toilets shall hereafter be constructed within the corporate limits of the Town. All outdoor toilets with the Town shall be removed within one year from the effective date of this chapter and septic tank facilities installed as described in this chapter.

(F) Except as provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

(G) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting any street, alley or right-of-way in which there is now located, or may in the future be located, a public sewer or combined sewer of the Town, is required to discontinue the use of privies, cesspools, septic tanks, and similar structures and to install suitable toilet facilities. The owner shall connect such facilities with the proper public sewer per this chapter within 90 days after date of official notice to do so; provided that the public sewer is within 300 feet of the property line. In the event a sanitary sewer is available within 300 feet, the Town may directly connect into it under this section and require disconnection from a combined sewer or storm sewer. The Town may apply to the Circuit Court of DeKalb County for an order to force the connection, the cost of the action, together with reasonable attorney fees of the Town, to be assessed



by the court against the property owner in such action. Any person violating any of the provisions of this section shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

#### **§ 51.101 PRIVATE SEWAGE DISPOSAL.**

(A) Where a public sanitary or combined sewer is not available under the provision of § 51.100 (G), the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

(B) Before starting construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Town. The application for such permit shall be made on a form furnished by the Town which the applicant shall supplement with plans, specifications, and other information as deemed necessary by the Town. The application, permit and inspection fees shall be paid to the Town at the time the application is filed. Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

(C) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Town. The Town shall be allowed to inspect the work at any stage of construction and the permit applicant shall notify the Town when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the Town.

(D) The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the State Board of Health of the State of Indiana. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than 15,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(E) At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in Section 51.100 (G), a direct connection shall be made to the public sewer in compliance with this chapter, and any septic tanks, cesspools, and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(F) When a public sewer becomes available, the building sewer shall be connected to the public sewer within 90 days after date of official notice to do so, and the private sewage disposal system shall be cleaned of sludge and filled with clean bank-run gravel or dirt.

(G) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

(H) No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the DeKalb County Health Department.

#### **§ 51.102 SEWAGE CONNECTION REQUIREMENTS.**

(A) No person shall erect any structure on any land within the jurisdiction of the Town, or move onto any land within the Town, any existing structure which is to be used as a dwelling or place of abode for any purpose for one or more persons unless the structure is connected to the sewerage system of the Town.

(B) No person shall convert an existing structure used for other than residential purposes to a residence or place of abode for any purpose for one or more persons unless it is connected to the sewerage system of the Town.

(C) No person shall use as a residence or a place of abode for any purpose any structure which after the effective date of this section is constructed upon or moved upon any real estate, or any existing structure in

the Town which has not prior to the effective date of this section been used as a place of residence or abode, unless the structure is connected with a sewer of the sewerage system of the Town.

### **§ 51.103 LATERALS AND SEWER CONNECTIONS.**

(A) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance without first obtaining a written permit from the Town.

(B) There shall be two classes of building sewer permits: (1) for residential and commercial service; and (2) for service to establishments producing industrial wastes.

(C) In either case, the owner or his agent shall submit a permit application to the Town. The permit application shall be supplemented by plans, specifications, or other information considered pertinent in the judgment of the Town. A permit and inspection fee for a residential, commercial, or industrial sewer connection permit shall be paid to the Clerk-Treasurer at the time the application is filed.

(D) All costs and expenses for the installation and connection of the building sewer or lateral shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer or lateral.

(E) All building sewers and lateral installations, repairs and ownership will be in accordance with the Town of Waterloo Lateral Standards, available at the Town of Waterloo Town Hall or Town of Waterloo website.

(F) All new building sewer or lateral connections for industrial and commercial users shall install a suitable control manhole with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town Manager. The manhole shall be installed by the owner at his expense and shall be maintained by him to be safe and accessible at all times.

(G) A separate and independent building sewer or lateral shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

(H) Old building sewers may be used in connection with new buildings only when they are found, on examination, and test by said inspector, to meet all requirements of this chapter.

(I) The size, slope, alignment, materials of construction of a building sewer or lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the *A.S.T.M. and W.P.C.F. Manual of Practice No. 9* shall apply.

(J) Whenever possible, the building sewer or lateral shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

(K) No person shall make connection to sump pumps, roof downspouts, exterior foundation drains, areaway drains, or other sources of inflow from surface runoff or groundwater to a building sewer, lateral or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(L) The connection of the building sewer or lateral into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town, or the procedures set forth in appropriate specifications of the *A.S.T.M. and the W.P.C.F. Manual of Practice No. 9*. All such

connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Town before installation.

(M) The applicant for the sewer connection permit shall notify the inspector when the building sewer or lateral is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the inspector or his representative.

(N) All excavations for building sewer or lateral installation shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed during the work shall be restored in a manner satisfactory to the Town.

(O) Upon adoption of this chapter, property owners are responsible for building sewers or laterals from the property connection to the sewer main. Any building sewer or lateral replaced or installed after the adoption of this chapter, and upon a passing inspection from the Town, will be under ownership of the Town, from the right of way or property line to the sewer main.

(P) Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

#### **§ 51.104 SERVICE OUTSIDE OF CORPORATION LIMITS.**

(A) This section applies to owners of property outside of the corporate limits of the Town regardless if the property is used for residential, commercial or industrial purposes or if it is new or existing.

(B) Sewer utility shall not be extended to and no connection shall be permitted by such properties without strict compliance with this section.

(C) No person shall make a connection with the public sewers or drains, or with an extension or connection previously made, without first obtaining a written permit from the Town. The application must be accompanied by a clear description of the premises, the name of the owner, the name of the persons employed to do the work and the permit fee in the amount determined by the Town. All applications must be filed with the Clerk- Treasurer.

(D) Sanitary service fees are required for residential, commercial, and industrial users outside of the corporate limits.

(E) All costs and expenses for the installation and connection of the sanitary sewer shall be borne by the property owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the sewer and/or water line.

(F) All sewer extensions and connections shall be inspected by and approved by the Town. Each and every inspection required to complete proper installation shall be charged an inspection fee.

(G) The inspection fee and permit fee shall all be paid and collected at the time the permit application is submitted to the Clerk- Treasurer.

(H) All sewer connections and repairs will be in accordance with the Town of Waterloo Lateral Standards.

(I) The rates and charges for sewage utility services rendered to customers outside of the corporate limits shall be 200% of those rates and charges established for services rendered within the corporate limits.

(J) Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

#### **§ 51.105 CONNECTION FEE.**

(A) The owner of each lot or parcel of real estate connecting to the sewerage system shall pay a connection fee to the Town. The owners of any such lot or parcel of real estate shall have the privilege of making such

payment over a period of up to 60 months after connection with an interest charge of 6% per annum on the unpaid balance from the date of connection.

(B) In order to obtain payment for the reasonable pro rata cost of providing interceptor sewers and sewage treatment facilities, a developer of any subdivision to be connected to the Town sewerage system will be required to pay the Town Subdivision Connection Fee. Further, the subdivider will be required to install local and lateral sewers throughout the subdivision, which meet specifications acceptable to the Town. Such local and lateral sewers will become the property of the Town upon completion. In the event sewers are constructed as provided in this division, no further payments will be made for connection to the sewer system, except as may be necessary to reimburse the Town for costs of labor, materials and equipment in respect to any connections.

(C) Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

('92 Code, § 50.19) (Ord. 247, passed 4-21-77)

### **§ 51.106 RIGHT TO PROHIBIT NEW CONNECTIONS.**

The Town shall have the right to prohibit new connections when the excess capacity of the sewerage system is deemed insufficient by the Town.

### **§ 51.107 ILLICIT CONNECTIONS TO THE SEWER.**

(A) No property owner, occupant, user, or person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water, unpolluted water, or unpolluted industrial process waters to any sanitary sewer. Illicit connections include, but are not limited to: sump pumps, foundation drains, French drains, yard drains, gutter downspouts, cistern overflow pipes, and any other stormwater drainage receptacle(s).

(B) Stormwater, surface water, ground water, roof runoff, sub-surface drainage, cooling water, unpolluted water or unpolluted industrial process water may be admitted to storm sewers which have adequate capacity for their accommodation. No person shall use such sewers, however, without the specific permission of the Town. No new connection shall be made unless there is capacity available in all downstream sewers, lift stations, force mains, and the POTW including but not limited to capacity for CBOD<sub>5</sub> and TSS.

(C) Stormwater and other unpolluted drainage shall be discharged to public stormwater facilities. Industrial cooling water or unpolluted process waters may be discharged to public stormwater facilities upon approval of the Town.

(D) Any existing or new construction in which a sump pump has been or will be installed, shall be required to install a rigid pipe connection discharge in accordance with this section. It shall be unlawful to maintain any connection with the sewerage system carrying roof water, ground water, surface water or any other natural precipitation after the effective date of this chapter.

#### **(E) Sump Pump and Rigid Pipe: Method of Installation**

- (1) The building shall have a drain tile placed around the inside or outside perimeter of the foundation connected to a sump pit. All baseboard seepage collection systems shall be discharged to the sump pit. The sump pit shall be located at least 10 feet away from the inside sanitary floor drain.
- (2) The sump pump discharge pipe shall be connected to a storm sewer when available and abutting on the property unless otherwise approved by the Town. Connections to the storm sewer system shall have an approved backflow prevention device installed. The sump pump discharge pipe shall not be connected to underdrains, subsurface drainage tiles, building floor drains, downspout outlets, or other sump pump lines

(3) When an existing sump pump discharges to the ground or when a storm sewer is not available, the sump pump shall discharge to grade and must meet all the following provisions, unless otherwise approved by the Town:

- (a) The discharge pipe shall be installed to the outside wall of the building with rigid pipe (plastic, copper, galvanized or black pipe) with a 1-inch inside diameter minimum.
- (b) The discharge pipe must have a check valve within 1 foot of the floor grade and a union or other approved coupling for easy disconnection for repair or replacement.
- (c) The discharge pipe shall exit the building at 1 foot above finished grade.
- (d) The point of discharge must be a minimum of 3 feet from the foundation wall and 5 feet from the property line.
- (e) The discharge must flow parallel to or away from the nearest property line.
- (f) The discharge water shall not discharge to a public way including, sidewalks, streets, or alleys.  
The discharge pipe shall terminate no less than 10 feet from such impervious surfaces.
- (g) The discharge water shall not create an icy condition on any pedestrian walkways within or adjacent to the subject premises lot lines.

(F) Removal of Illicit Connection Required

- (1) Any property owner who previously made any connection or installation in violation of this chapter shall immediately remove such connection or correct such an installation. All direct or indirect connections of a system as defined above intended to collect and convey unpolluted stormwater or groundwater along, adjacent to, beside, or under the foundation or basement of any building connected to the Town sewerage system shall be disconnected from the sewerage system.
- (2) Disconnection shall mean removal of any direct or indirect illicit connection to the sewerage system, including direction connections to the sanitary sewer service line, connections to a sanitary sewer floor drain or similar plumbing fixture that would allow unpolluted stormwater or groundwater flow to enter the sewerage system. Any disconnections or openings in the sanitary sewer shall be closed or repaired in a workmanlike manner with proper materials unless the connection to the sanitary sewer is used for the proper discharge of wastewater.

(G) Non-Compliance Fee for Illicit Connection

- (1) Every person owning property shall allow an employee of the Town, a designated representative of the Town, or a licensed plumber, acting on the Town's behalf with the consent of the owner, to inspect the building to determine if sump pumps or other prohibited discharges are connected to the sewerage system. If the Town inspects, the property owner will be charged an Illicit Connection Initial Inspection Fee.
- (2) Any property found to have an illicit connection, either direct or indirect, to the sewerage system shall receive a written notice from the Town that will require the property owner to make the necessary repairs and furnish proof of the repairs to the Town within 45 days. The fee will be included on the utility bill within 45 days of written notification of the illicit connection.
- (3) Upon confirmation of the elimination of the illicit connection within 45 days of the written notice, the Illicit Connection Continuous Non-Compliance Fee will be removed from the property's sewer bill within 30 days. Additional enforcement and penalties may be incorporated in accordance with Sections 51.500 through 51.999 of this chapter.
- (4) If the illicit connection is not corrected or a property owner refuses a property inspection within 45 days of the written notice, the property owner will be subject to an Illicit Connection Continuous Non- Compliance Fee. The fee covers the cost for treating the extraneous flow or potential extraneous flow contributed to the sewerage system. The fee will be in addition to all other sanitary



sewer user charges and will be added to the property owner's utility bill until the property is compliant with this section. The fee will be included on the utility bill within 45 days of written notification of the illicit connection.

- (5) Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

(H) Re-Inspections.

- (1) Property owners are financially responsible for re-inspection of illicit connections, sump pumps or other groundwater conveyance systems by the Town, by a licensed plumber to confirm the disconnection of the illicit connection, sump pump or other groundwater conveyances from the sewerage system.
- (2) The inspection and certification of the disconnection shall be documented and submitted to the Town by the property owner within 30 days of the inspection.
- (3) If re-inspected by the Town, an Illicit Connection Re-inspection Fee will be charged to determine the illicit connection has been corrected. This re-inspection fee will be waived if the illicit connection has been corrected, or the property owner can prove that illicit connection has been scheduled to be corrected, in 30 days or less.
- (4) If upon re-inspection it is determined the illicit connection has not been corrected within the 45 days, an Illicit Connection Continuous Non-Compliance Fee will be charged until property owner notifies the Town the illicit connection has been disconnected. An extension may be granted, if property owner can prove due diligence to correct the illicit connection.
- (5) An Illicit Connection Re-Inspection Fee will be charged to a repeat offender. An Illicit Connection Continuous Non-Compliance Fee for repeat offenders will be charged until property owner notifies the Town the illicit connection has been disconnected.
- (6) The Town may periodically re-inspect any building or premises to determine compliance with the requirements of this chapter.
- (7) Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

(I) The Town shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this section where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem. This would also include cases that would not be practical or feasible to correct the clear water discharge problem. Application for waivers pursuant to this chapter shall be addressed in writing to the Town. The applications shall at minimum include the Illicit Connection Waiver Fee, identify the property for which the waiver is being applied for, the name of the property owner/applicant, and describe in detail what characteristics of the subject property create an undue hardship. Within a reasonable time, the Town shall make its decision on the matter and send a copy of such decision to the applicant by regular mail. Upon approval of an application for a waiver, a property owner shall be allowed to discharge directly into the sewerage system for the time specified in the Town's written decision. Any person granted a waiver shall be charged a monthly Illicit Connection Waiver Fee to cover the cost for treating the extraneous flow or potential extraneous flow contributed to the sewerage system. The fee will be in addition to all other sanitary sewer user charges and will be added to the property owner's utility bill until the property is found to be compliant with this section.

(J) Enforcement actions and penalties will be implemented for any person found to be violating any provision of this chapter in accordance with § 51.500 through 51.999.

#### **§ 51.108 CROSS-CONNECTIONS AND BACKFLOW.**

(A) No cross-connections or conditions, which might permit potentially the backflow of contaminants and/or pollutants from a customer's piping system into the public water distribution system shall be permitted.

(B) Piping systems within the customers premises shall conform to the latest revision of Chapter 52 – Water, Sections 52.014 through 52.016, the “Cross-Connection Regulation” ordinances and rule of the Town water utility and governing agencies, which is, by reference made a part of the general rules and regulations, the same as if printed herein.

(C) Installation shall be subject to approval of the utility and any authorized inspector having jurisdiction over such connections and shall be maintained in accordance with manufacturers specifications and in the total compliance with applicable rule, regulation and guidelines.

### **WASTEWATER ADMISSIBILITY**

#### **§ 51.200 FEDERAL REGULATIONS.**

All provisions of this chapter and limits set herein shall comply with any applicable state and/or federal requirements now or projected to be in effect.

#### **§ 51.201 LIMITATIONS ON POINT OF DISCHARGE.**

No person shall discharge any substance directly into a manhole or other opening in the sewerage system other than through the approved building (or house) lateral sewer, except in accordance with the terms of this chapter or by express permission of the Town.

#### **§ 51.202 SPECIAL AGREEMENTS.**

Nothing in this chapter shall be construed as preventing any special agreement or arrangement between the Town and any user or person whereby wastewater of unusual strength or character is accepted into the sewerage system and specially treated, and the user is subject to any payments or user charges, as maybe be applicable. However, no discharge which violates categorical pretreatment standards will be allowed under the terms of such special agreements. If, in the opinion of the Town, the wastewater may have the potential to cause or result in any of the following circumstances, no special agreement shall be made: pass-through or interference at the POTW; endanger municipal employees or the public; or cause violations of the Town's NPDES permit or water quality standards in the receiving waters.

#### **§ 51.203 RIGHT TO REJECT WASTE OR REQUIRE PRETREATMENT.**

The Town is hereby authorized to prohibit dumping of wastes into the Town's sewerage system which, in its discretion, are deemed harmful to the operation of sewerage system, or to require methods affecting pretreatment of the wastes to comply with the pretreatment standards or pretreatment requirements included in the NPDES permit issued to the sewerage system.

#### **§ 51.204 PROHIBITED DISCHARGES.**

(A) General Prohibitions:

- (1) No user shall introduce or cause to be introduced into the sewerage system any pollutant or wastewater which causes pass through, interference or unsafe conditions for Town employees or citizens.
- (2) Unpolluted water from air conditioners, cooling, condensing systems or swimming pools, shall be discharged to a storm sewer or a natural outlet approved by the Town and by the State

of Indiana. Where a storm sewer or natural sewer is not available, such unpolluted water may be discharged to a sanitary sewer or combined sewer pending written approval by the Town.

- (3) Illicit connections are not allowed to the sanitary sewerage system per Section 51.107.
- (4) Unpolluted water, including, but not limited to distributed water, cooling water, process water or blowdown from cooling towers or evaporative coolers, shall not be discharged through direct or indirect connection to the sewerage system for purposes of diluting wastewater to reduce sewer rates or charges of the user. Limitations on the amount of unpolluted water that is discharged shall be part of the wastewater discharge approval process.

(B) Specific Prohibitions - A user of the sewerage system, whether the user is subject to pretreatment standards or requirements, shall not allow the introduction of the following into the sewerage system:

- (5) Pollutants which create a fire or explosion hazard in the sewerage system, including waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Celsius) using the test methods in 40 CFR 261.21, including, but not limited to, any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (6) Any waters or wastes having a pH lower than 5.5, greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewerage system.
- (7) A solid or viscous substance in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewerage system such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, metal shavings, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, disposable wipes, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, and the like, either whole or ground by garbage grinders.
- (8) Any pollutant, including oxygen demand pollutants (CBOD<sub>5</sub>) released in a discharge at a flow rate and/or pollutant concentration which will cause interference at the POTW.
- (9) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW exceeds 104 degrees Fahrenheit (40 degrees Celsius) unless alternate temperature limits are approved by the Town.
- (10) Any water or waste containing petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, fats, wax, grease, or oils whether emulsified or not.
- (11) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the POTW.
- (12) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (13) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourth horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Town.
- (14) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- (15) Any waters or wastes containing phenols or other taste, or odor producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the state, federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- (16) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.

- (17) Unusual concentrations of inert suspended solids (such as, but not limited to, Fullers earth, lime slurries, and lime residue) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
- (18) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
- (19) Unusual CBOD<sub>5</sub>, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the POTW.
- (20) Unusual volume of flow or concentration of wastes constituting "slug" as defined herein.
- (21) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes, or are amendable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

**§ 51.205 LIMITATIONS ON WASTEWATER STRENGTH.**

(A) *Compatible pollutant levels.* The Town shall have the right to impose a surcharge for waste discharged into the sewerage system whose strength or character is such that the introduction of the wastewater into the sewerage system may cause additional costs to the system. An industrial user discharging compatible pollutants (as defined in 51.002) above the following levels, shall be subject to surcharges as described in Section 51.404:

Parameter	Discharge Levels (mg/L)
CBOD <sub>5</sub>	200
TSS	200
Phosphorus	5.0

(B) *Specific pollutant limitations.* No person shall discharge wastewater containing more than:

Pollutant	Discharge Limit (mg/L)
Arsenic	0.9
Cadmium	0.5
Chromium, Total	2.5
Copper	2.0
Cyanide, Total	0.5
FROG	100
Iron	50
Lead	0.1
Mercury	0.0001
Nickel	3.2
Petroleum-based Oils	0.0
Phenols, Total	0.1
Selenium	0.2
Silver	1.0
Zinc	2.5

(C) All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with Standard Methods except for applications for NPDES permits and reports where warranted.

(D) The Town reserves the right to monitor or have a user monitor for pollutants not identified in this section to assess surcharges and compliance with this chapter.

## **WASTEWATER DISCHARGE APPROVAL**

### **§ 51.300 GENERAL REQUIREMENTS**

(A) When deemed necessary, the Town may require users to treat wastewater discharges as necessary to comply with discharge limits and the prohibitions set out in this chapter within the time limitations specified by the Town.

(B) Any equipment necessary for compliance shall be provided, operated, and maintained at the user's expense. All plans describing such facilities and operating procedures shall be submitted to the Town per Section 51.304 for review and approval 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 utility under the provisions of this chapter.

### **§ 51.301 GREASE, OIL, AND SAND INTERCEPTORS.**

(A) Grease, oil, and sand interceptors, separators, or traps shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing FROG in excessive amounts, or any flammable wastes, sand, and other harmful ingredients, except that such interceptors or traps will not be required for private living quarters or dwelling units.

(B) The type and capacity of all interceptors or traps must be approved by the Town and must be installed in a readily and easily accessible location for cleaning and inspection. They shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures and shall be of substantial construction, be gastight, watertight, and equipped with easily removable covers.

(C) Where installed, all grease, oil, and sand interceptors or traps shall be maintained by the owner, at his expense, in continuously efficient operation.

(D) The Town may inspect the interceptors, separators, or traps located on the property at any time.

(E) If the user is not maintaining the equipment, the Town may clean the part of the sewerage system damaged by the owner and the user will be liable for any expense, including any cleaning, loss or damage to the sewerage system, in addition to the amount of any fines imposed under state or federal law.

### **§ 51.302 ACCIDENTAL DISCHARGES.**

(A) Each user must provide protection from accidental discharge of prohibited or regulated materials or substances. Where necessary, procedures and facilities to prevent the accidental discharge of prohibited materials must be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide the protection must be submitted to the Town for review and be approved before construction of the facility. Review and approval of plans and operating procedures by the Tow will not relieve the user from the responsibility to modify its facility as necessary to meet applicable requirements.

(B) Users must notify the Tow immediately when a slug load or accidental discharge occurs. The notification must include the location of the discharge, date and time of occurrence, type of waste, concentration



and volume, and corrective actions. Any industrial user who discharges a slug load of prohibited materials will be charged a Slug Load/Accidental Discharge Fee per the Town of Waterloo's Fee Schedule and be liable for any expense, including any cleaning, loss or damage to the sewerage system, in addition to the amount of any fines imposed under state or federal law.

(C) Signs must be permanently posted in conspicuous places on the user's premises, advising employees whom to call in the event of an accidental discharge. Employers must instruct all employees who may cause or discover such a discharge as to emergency notification procedures.

(D) The Town may inspect the property for accidental discharge protection measures or incidences at any time.

### **§ 51.303 PRETREATMENT STANDARDS.**

(A) Each industrial user must verify the flow and characteristics of industrial wastewaters which are introduced into the sewerage system, determine if said user is a significant industrial user, determine if a State permit is required, and determine if the user is subject to the requirements of pretreatment standards established by Federal and State law.

(B) Pretreatment of industrial wastewaters from significant industrial users prior to discharge to the sewerage system is required and is subject to the Federal or State adopted rules and regulations, in addition to any more stringent requirements established by the Town. All necessary and requested information relating to significant industrial users and pretreatment facilities shall be submitted to the State and Town for approval; no construction of such facilities shall be commenced until written approval is granted.

(C) All necessary and requested information relating to industrial users and pretreatment facilities and equipment shall be submitted to the Town for approval; no construction of such facilities shall be commenced until written approval is granted.

(D) Approved facilities shall be maintained continuously in satisfactory and effective operating order by the owner at his expense.

### **§ 51.304 DISCHARGE APPROVAL PROCESS.**

(A) Significant industrial users are required to obtain discharge approval from the State prior to discharge to the sewerage system per Federal or State rules and regulations. Information provided to the State shall also be provided to the Town.

(B) Industrial users are required to obtain discharge approval from the Town if any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, that contain pollutants or the characteristics enumerated in Sections 51.204 and 51.205 of this chapter.

(1) *Existing Connections.* Within 60 days of approval of this chapter, any industrial user required to obtain wastewater discharge approval who wishes to continue wastewater discharges in the future, shall apply to the Town for discharge approval.

(2) *New Connections.* Any user required to obtain wastewater discharge approval from the Town who proposes to begin or recommence discharging into the sewerage system must obtain such approval prior to the beginning or recommencing of such discharge. The wastewater discharge approval process must be completed at least 60 days prior to the date upon which any discharge will begin or recommence.

(C) When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastewaters shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastewaters. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at his expense and shall be maintained by him to

be safe and accessible at all times. Plans for the installation of control manholes and related equipment must be approved by the Town before construction is begun.

(D) Information provided to the Town for discharge approval shall include: construction or building plans including all sewerage system connections, description of activities at the facility, a narrative description of any pretreatment of wastewaters, description of industrial wastewaters produced, characterization of wastewaters, and detailed plans of any pretreatment system. The Town may require additional information or equipment.

(E) Upon review of the provided materials, the Town may:

- (1) Approve the discharge without further monitoring or surcharges;
- (2) Require a site inspection to identify sources of wastewater;
- (3) Reject the wastewaters in whole or in part for any reason deemed appropriate by the Town;
- (4) Require pretreatment of such wastewaters to within the limits of normal domestic sewage as defined;
- (5) Require control or flow equalization of such wastewaters to avoid any "slug" loads or excessive loads that may be harmful to the sewerage system; or
- (6) Require payment of a surcharge on any excessive flows or loadings discharged to the sewerage system to cover the additional costs of having capacity for and treating such wastewaters.

(F) Once the industrial user is approved by the Town, the industrial user is to follow all sections of this chapter. The Town will issue a letter to the user stating discharge is approved within 30 days of receiving the submittal and identify any requirements for: flow-equalizing facilities, pretreatment equipment, grease interceptors, sampling, sampling point, reporting, and inspections as needed.

(G) Discharge approval will be for a period of five years. Users are required to submit information at least 60 days prior to approval expiration.

(H) Any violation of the terms and conditions of a State permit or this chapter shall be deemed a violation and subjects the approved user to the sanctions set out in Sections 51.500 through 51.999 of this chapter. Obtaining wastewater discharge approval does not relieve a user of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

(I) Wastewater Discharge Approval Fee for industrial users will be due at the time of submittal. As necessary, the Town may engage outside consultation to review submittals and plans. The user shall agree to pay the Town for the actual costs incurred by the Town with respect to the review of the all submittals, plans, and accompanying information. Fees are listed on the Town of Waterloo's Fee Schedule that may be revised from time to time by the Town Council.

## **§ 51.305 NOTIFICATIONS TO THE UTILITY.**

(A) *Changes in facility conditions or discharge.* Industrial users must notify the Town of any planned changes to the industrial user's operations or system which might alter the nature, quality, or volume of its wastewater at least 60 days before the change. The Town may require the industrial user to submit any information as may be deemed necessary to evaluate the changed condition. The Town shall review any proposed new or increased discharge to ensure it is admissible under this chapter. The Town retains the right to deny any new or increased discharge to ensure compliance with this chapter, state and federal pretreatment standards and requirements. Planned changes include, but are not limited to:

- (1) Expansion or addition of wastewater generating production lines or processes;
- (2) Projected increases of 20% or greater in monthly flow over the previous year's highest monthly flow, or annual average flow over the previous year's annual average flow; and/or
- (3) The discharge of any previously unreported pollutants.

(B) *Change in Ownership or Business.* Industrial users with a change in ownership will be recognized as a new industrial facility and shall comply with the Town's discharge limits in accordance with this chapter. Discharge approval for an industrial user shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation without prior notification to and approved by the Town. If a change in a business occurs, the property owner and/or user shall inform the Town of the change within 60 days and inform the Town of the new type of business that is currently operating at said location.

(C) *Potential Problems.* Users shall notify the Town immediately of all discharges that could cause problems or harm to the sewerage system. This would include any of the following: bypass of pretreatment facilities or equipment; accidental discharges; slug load or slug discharge; batch or other non-customary discharges that could cause pass through or cause interference to the sewerage system; and/or upsets. The industrial user shall verbally notify the Town of any unanticipated flow that exceeds prohibited discharges as described in Sections 51.204 through 51.205 or other requirements as soon as the industrial user becomes aware of the violation. Notification to the Town does not nullify any possible fines or enforcement actions per Sections 51.500 through 51.999.

(D) *Notification Methods.* If an industrial user knows in advance of a potential problem, it shall notify the Town, if possible, at least 10 days before the date of the event. Verbal notifications shall include: the date, time, location and duration of the discharge; the type of wastewater including concentration and volume; any corrective actions taken by the industrial user. If requested by the Town, the industrial user shall also provide a written notification within five days of the event. The written submission shall contain: a description of the bypass and its cause; the volume and duration of the bypass, including exact times and dates, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the event. Notification to the Town does not nullify any possible fines or enforcement actions per Sections 51.500 through 51.999.

#### **§ 51.306 REVIEW OF INDUSTRIAL USERS.**

(A) Industrial users shall be subject to a periodic facility inspection and discharge monitoring as often as the Town deems necessary (but at least once a year) and may include the use of suitable continuously-monitoring instruments in appropriate cases. Samples shall be collected by the Town either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastewaters. Every care shall be exercised in collecting the samples to ensure their preservation until analyzed in a state comparable to that at the time the samples were collected.

(B) Laboratory procedures used in the examination of industrial wastewaters shall be those set forth in *Standard Methods*. However, alternative methods for certain analyses of industrial wastewaters may be used subject to agreement between the Town and industrial user. The Town may periodically analyze the industrial user's wastewater for parameters deemed necessary by the Town. All laboratory costs shall be charged to the industrial user according to the standard work order billing practices. All such analyses shall be binding and conclusive in determining strength of wastewater surcharges and other matters which are dependent upon the character and concentration of wastes. Analytical results provided by an industrial user will not be used for surcharges, compliance, or to determine compliance with Sections 51.204 and 51.205; only wastewater sampled and analyzed through the Town will be used.

(C) Significant industrial users will provide the Town with copies of the State required monitoring reports. If required by the Town, industrial users shall submit to the Town a periodic summary report of the character of the effluent to show discharge concentrations, effectiveness of treatment, and for comparison against Town monitoring records.

(D) The Town may sample at any point in the sewerage system to determine an industrial user's compliance, impact, and interference to the sewerage system.

## SEWER RATES AND CHARGES

### § 51.400 USER CLASSIFICATIONS.

(A) Every person whose premises are served by said sewer works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewerage system shall recover, from each user and user class, revenue which is proportional to its use of the POTW in terms of volume and load.

(B) User charges are levied to defray the cost of operation and maintenance (including replacement) of the POTW. User charges shall be uniform in magnitude within a user class.

- (1) User charges are subject to the rules and regulations adopted by the United States Environmental Protection Agency, published in the Federal Register August 21, 1973 (38 CFR 22523) and on February 11, 1974 (39 CFR 5252). Replacement costs, which are recovered through the system of user charges, shall be based upon the expected service life of the sewerage system plant and equipment.
- (2) The various classes of users of the POTW, for the purposes of this subchapter, shall be as follows: Class I - Residential, Commercial, Institutional, Governmental, Industrial.

### § 51.401 SEWER SERVICE.

(A) For the use of and service rendered by the sewerage system, rates and charges shall be collected from the owners of each and every lot, parcel of real estate or building that is connected with the Town's sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids either directly or indirectly, into the sewerage system of the Town. These charges shall be due and payable even where no water service is provided to the lot, parcel of real estate or building. In those cases where the water service has been discontinued for nonpayment of bills and charges or disconnected at the request of the customer, the owner shall still be responsible for the minimum (Base Rate) sewage charge and garbage fee charge as established by chapter.

(B) Such rates and charges include user charges, debt service costs, excessive strength surcharges and other service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

(1) The sewage rates and charges shall be based upon the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a Base Rate charge based on the size of the water meter installed, except as herein otherwise provided. However, if there is no water usage on or in the property or premises, the Base Rate shall still be charged to and paid by the customer or property owner. For the purpose of billing and collecting the charges for sewage service, water meters shall be read monthly and the users shall be billed each month (or a period equaling one month). The rates and charges shall be implemented in one phase and shall be effective January 1, 2014. The usage on which the amount of the rates and charges shall be determined is as follows:

Treatment Rate	
Per 1,000 Gallons	\$10.23
Plus:	
Base Rate	
5/8" - 3/4" water meter	\$31.89
1" water meter	\$74.79

1-1/4" water meter	\$117.79
1-1/2" water meter	\$169.36
2" water meter	\$289.55
3" water meter	\$661.77
4" water meter	\$1,177.02
6" water meter	\$2,637.04
Unmetered Users Residential Rate	
Single family residence unit	\$93.15

(2) The Treatment Rate as shown above shall apply to all users. For metered customers the Total Rate is the Treatment Rate plus the Base Rate. For unmetered customers the Total Rate is the Treatment Rate plus the Unmetered Users Rate.

(C) *Deposit.* The utility shall require from each applicant for wastewater (sewage) service a cash deposit of \$50 as a guarantee against the non-payment of bills for service, which deposit shall be paid at the time of the application for service.

(D) *Unmetered water users.* For users of the sewerage system that are unmetered water users or where accurate water readings are not available, the monthly charge shall be determined by equivalent single-family dwelling units, except as otherwise provided herein. Bills for the sewerage system shall be rendered once each month (or periods equally a month). The schedule on which said rates and charges shall be determined according to the unmetered users rate shown above.

(E) *Connection fees.* Prior to connecting to the Town's sewerage system, a customer shall be required to pay a connection fee as set forth hereafter. These fees will be used by the utility in the best interests of the utility and in accordance with the utility's policy but shall be primarily available to offset the costs of future extensions, modifications, and improvements to the Town's sewerage system.

Meter Size	Connection Fee
5/8"	\$1,370
3/4"	\$1,370
1"	\$3,425
1-1/4"	\$5,480
1-1/2"	\$7,946
2"	\$12,330
3"	\$28,360

(F) *Tap fees.* Prior to connecting to the Town's sewerage system, a customer shall be required to pay a tap/installation fee as set forth herein. The tap fee for connecting a user to the Town's sewerage system distribution system shall consist of a base tap installation fee of \$1,050 plus the cost of tap materials and backfill, top soil, seed and strawing and paving costs incurred in connection with each tap, in those cases where the Town performs all such labor. In those cases where the Town performs the tapping/installation services only



(contractor does all other work), the tap fee shall be \$100. In those cases where the Town does inspection only (all labor and material is provided by contractor), the customer shall pay an inspection fee of \$40.

#### **§ 51.402 ANNUAL STUDY.**

(A) In order that the rates and charges for sewage services may remain fair and equitable and be in proportion to the cost of providing services to the various users of user classes, the Town shall cause a study to be made within a reasonable period following the first 12 months of operation, following the date on which this subchapter goes into effect. Such study shall include, but not be limited to, an analysis of the costs associated with the treatment of excessive strength effluents from industrial users or user classes, the financial position of the sewerage system and the adequacy of its revenue to provide reasonable funds for operation and maintenance, replacements, debt service requirements and capital improvements to the sewerage system.

(B) Thereafter, on an annual basis, within a reasonable period following the normal accounting period, the Town shall cause a similar study to be made for the purpose of reviewing the fairness and equity of the rates and charges for sewage services on a continuing basis. Said studies shall be conducted by officers or employees of the Town or by a firm of certified experience in such studies, or by such combination of officers, employees, certified public accountants, or engineers as the Town shall determine to be best under the circumstances.

('92 Code, § 50.25) (Ord. 246, passed 4-21-77)

#### **§ 51.403 SURCHARGES.**

(A) In order that the surcharges may be justly and equitably adjusted to the service rendered to users, the Town shall base its surcharges on the volume of sewage flow billed to industrial users and strength of the stronger-than-normal domestic sewage and wastewaters which it is required to treat and dispose of.

(B) The owner or industrial user shall furnish a central sampling point available to the Town at all times. If one is not available, the user and Town will agree upon an alternate sampling point.

(C) The Town shall have the right to measure and determine the strength and content of all sewage and wastewater discharges, either directly or indirectly into the Town's sewerage system, in such manner and by such method as it may deem practicable in the light of the conditions and attending circumstances of each case to determine the applicable surcharges.

(D) The Town will review wastewater discharges from new and existing users periodically. If there is a substantial change in the strength, volume or delivery flow rate characteristics introduced into the sewerage system by an individual user, then the classification of that user may be reviewed and reevaluated.

#### **§ 51.404 STRENGTH OF WASTEWATERS.**

(A) The Town shall determine the strength and content of all sewage and wastewaters discharge at least annually, either directly or indirectly into the sewerage system, to determine the applicable surcharges.

(B) The measurements of the strength and character of industrial wastewaters shall be determined by the Town based on a sample, authorized hereunder, to be taken by the Town of the purpose of appropriate billing. The Town shall sample at least once a year per the Standard Methods.

(C) The Town will calculate the surcharges and provide to the user. Surcharges will be assessed based on the table below.

Parameter	Surcharge Level (mg/L)	Surcharge Amount (\$/lb)
CBOD <sub>5</sub>	200	\$0.007 / lb
TSS	200	\$0.007 / lb
Phosphorus	5	\$0.049 / lb

(D) If an industrial user can and does show to the satisfaction of the Town that a portion of the total monthly billed sewage flow is from normal domestic sanitary conveniences, then the flow and pollutant loadings to which the surcharge is applied, shall be determined based on net flow and pollutant loadings excluding sanitary conveniences.

(E) Appropriate charges for sampling and analysis may be assessed to the user at the option of the Town. The results of routine sampling and analysis by the user may also be used for determination of surcharges after verification by the Town.

(F) The surcharge for treatment services on or after the effective date of this chapter, shall be prepared and billed monthly. The surcharges shall be prepared, billed and collected in the manner provided by law and chapter.

#### **§ 51.406 ADJUSTMENTS TO RATES.**

(A) The quantity of water discharged into the sewerage system and obtained from sources other than the utility that serves the Town shall be determined by the Town in such manner as the Town shall reasonably elect, and the sewerage service shall be billed at the above appropriate rates; further, as is hereinafter provided in this section, the Town may make proper allowance in determining the sewage bill for quantities of water shown on the records to be consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewerage system.

(B) In the event a lot, parcel of real estate or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sewerage system, either directly or indirectly, is not a user of water supplied by the water utility serving the Town, and the water used thereon or therein is not measured by a water meter, or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. To ascertain the rate or charge provided in this subchapter, the owner or other interested party shall at his expense install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(C) In the event two or more residential lots, parcels of real estate, or buildings discharging sanitary sewage, water or other liquids into the sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in each such case, for billing purposes, the quantity of water used shall be averaged for each user and the base charge and the flow rates and charges shall apply to each of the number of residential lots, parcels of real estate or buildings served through the single water meter.

(D) In the event two or more dwelling units such as mobile homes, apartments or housekeeping rooms discharging sanitary sewage, water or other liquids into the sewerage system, either directly or indirectly, are users of water and the quantity of water is measured by a single water meter, then in such case, billing shall be for a single service in the manner set out elsewhere herein, except that the minimum bill shall not be less than the number of such dwelling units times \$6.60 per month. In the case of mobile home courts, the number of mobile spaces available for rent plus any other dwelling units served through the meter. A dwelling unit shall be interpreted as a room or rooms or any other space or spaces in which cooking facilities are provided.

(E) In order that the single-family domestic and residential users of sewage service shall not be penalized for sprinkling lawns and gardens, filling of pools, power-washing, and the like during the summer months of May, June, July and August, usage during the month billed, shall be reduced to an amount equal to the average of the previous monthly bills for the period January through April. Domestic and/or residential sewage service as applicable to the sprinkling rate shall apply to each lot, parcel of real estate or building occupied and used as a single-family residence. The sprinkling rate shall not apply to any premises partially or wholly used for commercial or industrial purposes. In the event a portion of such premises shall be used for commercial or industrial purposes, the owner shall have the privilege of separating the water service so that the residential portion of the premises is served through a separate meter, and in such case, the water usage is registered by the water meter serving the portion of the premises used for residential purposes would qualify under the sprinkling rate.

(F) In the event a lot, parcel of real estate or building discharges sanitary sewage, industrial waste, water or other liquids into the Town's sewerage system, either directly or indirectly, and uses water in excess of 25,000 gallons per month, and it can be shown to the satisfaction of the Town that a portion of water as measured by the water meter or meters does not and cannot enter the sewerage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.

(G) (1) Above-ground pool owners filling their pools before or after sprinkling credit months shall contact the Water Department for a water meter reading 24 hours before filling their pool with water, and notify the Town of the estimated number of gallons of water in the pool, and subsequently obtain another meter reading 24 hours after the pool is filled. The Water Department shall make an appropriate adjustment on the owner's sewage bill for the water used in the pool and not discharged into the sewerage system.

(2) In-ground pool owners shall submit plans for their pool and its outlet shall be verified by a plumber or contractor to assure the Town that the outlet is not the sewerage system. If the outlet of said pool is not the sewerage system, then an adjustment shall be made according to the same proceeding as set forth above for above-ground pools.

(3) If the outlet drain for any pool is the sewerage system, no adjustment shall be made for water used to fill said swimming pool.

('92 Code, § 50.23-1) (Ord. 246, passed 4-21-77; Am. Ord. 88-7, passed 4-12-88; Am. Ord. 95-04, passed 8-8-95; Am. Ord. 98-08, passed 6-9-98; Am. Ord. 14-07, passed 9-9-14)

#### **§ 51.407 TOWN ACCOUNTING.**

The Town shall account for all rates and charges from industrial users in the following manner:

(A) All revenues derived from rates and charges from industrial users shall be segregated and kept in a special fund, separate and apart from all other funds of the Town. The special fund shall be designated the "Sewage Works Industrial Cost Recovery Fund" and payment of said amount into said fund shall be deemed a reasonable expense of operation of the sewerage system for computing net operating revenue.

(B) Within 45 days following the end of the first calendar year after completion of construction of the sewage facilities and annually thereafter, the Town shall return 50% of the amounts recovered from industrial users, together with any interest earned thereon, to the U.S. Treasury. Pending use, the Town shall invest the retained amounts for reconstruction and expansion in: (1) obligations of the U.S. Government; or (2) obligations guaranteed as to principal and interest by the U.S. Government or any agency thereof; or (3) shall deposit such amounts in accounts fully collateralized by obligations of the U.S. Government or by obligations fully guaranteed as to principal and interest by the U.S. Government or any agency thereof.

(C) Eighty percent of the funds retained by the Town in the "Sewage Works Industrial Cost Recovery Fund" or authorized investments and the interest earned thereon, shall be expended only for eligible costs of expansion or reconstruction of the POTW. The Town shall obtain the written approval of the Regional Administrator of the U.S. Environmental Protection Agency prior to commitment of the retained amounts for any expansion and reconstruction. The remaining 20% of the funds retained by the Town may be utilized for any authorized use associated with the sewerage system.

('92 Code, § 50.31) (Ord. 248, passed 4-21-77)

#### **§ 51.408 BASIS FOR MONTHLY BILLING.**

(A) All property owners of each lot, parcel or tract of real estate or building that is connected to the Town water system shall be assessed a water charge whether there is water usage or not. For those lots, parcels, tracts or buildings for which the water has been shut off, there will be no water charge.

(B) All water usage charges, other than for unmetered fire service or other special purposes, will be calculated upon the registration of the meter or meters installed, which registration shall be prima facia evidence of the amount of water used.

(C) (1) The utility will make an effort to read meters every month or at intervals as designated by the Town Council. If the utility is unable to read the meter, or should the meter fail to register, or if the utility is unable to gain access to the customer's premises, the customer will be billed based on average of consumption as shown by the record of previous meter readings. It is the customer's obligation to make every effort to keep meter free of debris and/or obstructions.

(2) The first charge after a meter reading is obtained will be then adjusted by averaging consumption over a period from the last reading, charging for each period in accordance with the schedule of rates in effect for the periods, and allowing credit for the amount of estimated billings as applicable to the event.

(D) After six consecutive months of estimating, the utility will automatically boost the consumption to four times the estimated amount. The customer will continue to be billed at the boosted rate until an actual read is taken and validated. Any necessary billing adjustments will be made on the following billing, after the actual read.

(E) Where water is taken through more than one meter, and where such arrangement is for the convenience of the customer, then, each meter will be read and billed separately. Where water is taken through more than one meter for the convenience of the utility, then, the meter readings will be aggregated and billed as one reading.

(F) All water passing through meters will be charged for at the applicable rates, whether used, wasted or lost through leakage.

(G) The utility will not be bound by billings rendered under a mistake of fact as to the quantity of service rendered.

(Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09)

#### **§ 51.409 PAYMENT OF BILLS.**

(A) Billings rendered to customers for water service will reflect at least the following information:

(1) The dates at the beginning and ending of the service period, and the meter reading at the end of the period for which the billing is rendered;

(2) The previous balance, if any; (3) The amount of the billing;

(4) The date on which the billing is due;

(5) If an estimated billing, a clear coding or other indication identifying the billing as an estimated bill;

(6) An explanation, which can be readily understood, of all the codes and/or symbols on the billing.

(B) Billings will be rendered monthly. If a billing is not paid on or before the due date indicated on the billing (approximately 15 days after the bill is mailed to the customer), the customer will be considered delinquent. A period of two consecutive months delinquent will then constitute termination of water service to the customer by the utility.

(C) Failure to receive a billing shall not affect the right of the utility to cut-off and discontinue service for non-payment as provided above.

(D) To qualify for the above consideration, the customer must not be entered into and have breached a similar agreement with the utility during the last 12-month period.

(E) It is the policy of the Town to discontinue utility service to customers by reason of nonpayment of bills. The Clerk-Treasurer shall prepare a utility service application form with such information as the Clerk-Treasurer deems necessary.

(F) When it becomes necessary for the Town to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with a turn-on charge as set by Town Council.

(G) (1) All water charges follow the customer rather than the property; if a customer moved from the premises where water service has been supplied, such customer will be held responsible for the payment of all billings rendered for the service supplied to the premises until proper notice of discontinuance of water service has been given to the office of the utility.

(2) Moving from one location to another location in no way absolves the customer from any unpaid charges incurred at a previous location.

(3) A customer's service or a property owner's service may be discontinued for failure to pay any of the unpaid charges due from the customer or property owner regardless of the premises with respect to which the charges were incurred.

(Ord. 93-5, passed 6-8-93; Am. Ord. 09-01, passed 9-8-09)

#### **§ 51.410 ADJUSTMENT OF BILLINGS.**

(A) If any service meter is found to have a percentage error greater than that allowed by the Public Service Commission of Indiana, the following procedure for the adjustment of billings will be observed:

(1) *Fast meters.* When a meter is found to have a positive average error (i.e. is fast, in excess of 2%) the utility will refund or credit the customer's account with the amount in excess of that determined to be an average charge for one-half of the time elapsed since the previous test of the meter, or six months, whichever period is shorter. This average charge will be calculated based on the units registered on the meter over corresponding periods either prior or after the period for which the meter is determined to be fast. No part of a minimum service charge will be refunded.

(2) *Stopped or slow meters.* When a meter is stopped or has a negative average error (i.e. is slow, in excess of 2%) the utility may charge the customer an amount estimated to be an average charge for one-half of the time elapsed since the previous meter test or six months, whichever period is shorter. This average charge shall be calculated based on the units registered on the meter over the corresponding periods or after the period for which the meter is determined to be slow or stopped. Such action may be taken only in cases where the utility is not at fault for allowing the stopped or slow meter to remain in service.

(B) All billing errors, including incorrect tariff applications, will be adjusted to the known date of the error or for a period of one year, whichever is shorter.



(Ord. 93-5, passed 6-8-93)

#### **§ 51.411 COLLECTIONS.**

Such rates and charges shall be prepared, billed and collected by the Town in the manner provided by law and chapters.

(A) The rates and charges for all users shall be prepared and billed monthly.

(B) As is provided by statute, all rates and charges not paid when due are hereby declared to be delinquent and a penalty of 10 percent of the amount of the rates or charges shall thereupon attach thereto. The time at which such rates or charges shall be paid is now fixed at 20 days after the date of mailing of the bill.

('92 Code, § 50.24) (Ord. 246, passed 4-21-77; Am. Ord. 87-8, passed 5-26-87; Am. Ord. 01-09, passed 10-9-01)

#### **§ 51.412 COLLECTIONS AND DEFERRED PAYMENT CHARGE.**

(A) The utility may bring a civil action to recover any delinquent charges together with applicable interest at the statutory rate, the costs and disbursements of said actions, and any other remedies prescribed by law.

(B) All billings for water services not paid on or before the due date indicated on the billing shall be subject to a collection or deferred payment charge of 10%.

(Ord. 93-5, passed 6-8-93)

## **ENFORCEMENT**

#### **§ 51.500 ENFORCEMENT.**

(A) The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical and efficient management of the sewerage system for the construction and use of sewers and connections to the sewerage system, and for the regulation, collection, rebating and refunding of such rates and charges.

(B) The Town is hereby authorized to prohibit dumping of wastes into the sewerage system which, in its discretion, are deemed harmful to the operation of the sewerage system, or to require methods affecting pretreatment of said wastes to comply with the pretreatment standards included in the National Pollution Discharge Elimination System (NPDES) permit issued to the Town.

(C) A person shall not knowingly make or submit to the Town a false statement, representation, record, report, plan or other document required to be filed hereunder or under a duly adopted regulation of the Town, or voluntarily filed, with the intent that the Town rely thereon, or falsify, tamper with or knowingly render inaccurate any monitoring, testing, measuring or timing device required or installed under these regulations.

(D) To provide consistent enforcement responses for all similar violations and circumstances for industrial users, the Town's enforcement actions will generally be in accordance with the Town's Enforcement Response Plan.

#### **§ 51.501 NOTICE OF VIOLATION.**

(A) Any person or user found that has violated, or continues to violate, any provision of this chapter, shall be served by the Town with a written Notice of Violation stating the nature of the violation and providing a reasonable time limit to satisfactorily correct the violation. The offender shall, within the period stated in such notice, permanently cease all violations.

(B) The user will provide to the Town within 10 days of receiving the written notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Town to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation

#### **§ 51.502 ADMINISTRATIVE FINES.**

(A) Any person who shall continue any violation beyond the time limit provided for in the Notice of Violation shall be fined in the amount not exceeding \$1,000 for each violation. Each day in which any such violation shall continue, shall be deemed a separate offense. Additional fines and enforcement actions will generally be in accordance with the Town's Enforcement Response Plan.

(B) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

(C) Users desiring to dispute such fines must file a written request for the Town to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the Town 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 costs of preparing administrative enforcement actions, such as notices and orders, may be added to the fine.

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

#### **§ 51.503 EMERGENCY SUSPENSION.**

(A) The Town may immediately suspend a user's discharge, after a verbal notice to the user of the violation, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons or the environment.

(B) The Town may immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the sewerage system, or which presents, or may present, an endangerment to the environment.

(C) The Town may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Town that the period of endangerment has passed.

#### **§ 51.504 TERMINATION OF DISCHARGE.**

(A) The Town may revoke a user's privilege to discharge non-domestic wastewater into the sewerage system.

(B) Termination of service is used when the discharge from a user presents imminent endangerment to the health or welfare of persons, or the environment; or threatens to damage the sewerage system or interfere with the Town's operations; or as an escalating enforcement action to a significant violation when a non-compliant user fails to respond adequately to previous enforcement actions.

(C) Termination of service may be accomplished by physical severance of the user's connection to the collection system, issuance of a cease-and-desist order which compels the user to immediately terminate its discharge, revocation of the user's discharge permit, or a court ruling.

#### **§ 51.505 COST RECOVERY.**

(A) Any person violating any of the provisions of this chapter shall become liable to the Town for any expense, loss, or damage occasioned the Town or downstream users by reason of such violation.

(B) The user shall be responsible for paying the following (but not limited to) costs incurred by the Town for the user's failure to comply: cost of mileage and labor incurred in detecting and correcting the violation; laboratory analysis costs associated with detecting and correcting the violation; additional treatment costs caused by the violation or associated with detecting and correcting the violation; costs of any additional equipment acquired or expended by the Town for detecting or correcting the violation; repair and/or replacement of any part of the sewerage system damaged by the violation; any liability, damages, fines, or penalties incurred by the Town because of the violation; all expenses of outside professionals to include, but not limited to, engineers, scientists, and/or legal counsel; and other costs associated with the detection and correction of the violations.

**§ 51.506 REMEDIES NONEXCLUSIVE.**

(A) The remedies provided for in this ordinance are not exclusive. The Town may take any, all, or any combination of these actions against a noncompliant user.

(B) Enforcement of industrial user violations will generally be in accordance with the Town's Enforcement Response Plan. However, the Town may take other action against any user when the circumstances warrant. Further, the Town is empowered to take more than one enforcement action against any noncompliant user.

**§ 51.999 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in this section.

(B) Any person who shall continue any violation of § 51.100 (G) beyond 90 days after official notice by certified mail to do so shall be fined in an amount not exceeding \$10 for each violation. Each day in which any such violation shall continue shall be deemed a separate offense. ('92 Code, § 50.35(B)) (Ord. 216, passed 8-13-74)



## **TOWN OF WATERLOO'S FEE SCHEDULE**

Private Sewage Disposal System Application	\$50.00
Private Sewage Disposal System Permit and Inspection Fee	\$40.00
Residential Sewer Connection Permit Fee	\$50.00
Residential Sewer Connection Inspection Fee	\$40.00
Residential Sewer Connection Permit Fee (outside of corporate limits)	\$25.00
Residential Sewer Connection Inspection Fee (outside of corporate limits)	\$50.00
Residential Connection Charge – \$5.00 x Lineal front foot of property abutting the Street (excluding side property lines) for each connection	Minimum \$300
Subdivision Connection Fee	\$300/acre in the subdivision
Commercial Sewer Connection Permit Fee	\$50.00
Commercial Sewer Connection Inspection Fee	\$40.00
Commercial Sewer Connection Permit Fee (outside of corporate limits)	\$50.00
Commercial Sewer Connection Inspection Fee (outside of corporate limits)	\$50.00
Commercial Connection Charge – \$5.00 x Lineal front foot of property abutting the Street (excluding side property lines) for each connection	Minimum \$300
Industrial Sewer Connection Permit Fee	\$50.00
Industrial Sewer Connection Inspection Fee	\$40.00
Industrial Sewer Connection Permit Fee (outside of corporate limits)	\$50.00
Industrial Sewer Connection Inspection Fee (outside of corporate limits)	\$50.00
Industrial Connection Charge – \$5.00 x Lineal front foot of property abutting the Street (excluding side property lines) for each connection	Minimum \$300
Illicit Connection Initial Inspection Fee	\$20.00
Illicit Connection Continuous Non-Compliance Fee	\$50.00/month
Illicit Connection Re-inspection Fee	\$20.00
Illicit Connection Re-inspection Fee (repeat offender)	\$50.00
Illicit Connection Continuous Non-Compliance Fee (repeat offender)	\$100.00/month
Illicit Connection Waiver Application	\$20.00
Illicit Connection Waiver Fee	\$10.00/month
Slug Load/Accidental Discharge Fee	\$500.00
Wastewater Discharge Approval Fee	\$100.00

[Other sewer connection and tap fees are in the Sewer Use Ordinance – Sewer Rates and Charges.]

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