

RULES AND REGULATIONS OF

**HENDRICKS COUNTY
REGIONAL SEWER DISTRICT**

**Effective Date:
January 1, 2010**

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ARTICLE I

DEFINITIONS

As used in these rules and regulations, each of the following terms shall have the meaning assigned to it in this Article I, unless the context in which the term is used clearly requires otherwise:

“ACCEPTED WASTEWATER FACILITIES” means Wastewater Facilities in Service dedicated to the District or owned by Hendricks County Wastewater, LLC, doing business as Aqua Indiana.

“APPROVED WASTEWATER FACILITIES” means Wastewater Facilities that have been approved by the District for Service and are operated by Hendricks County Wastewater, LLC, but are owned by the Developer.

“BOARD” shall mean the duly appointed governing body of Hendricks County Regional Sewer District structured according to the IDEM Formation Order (Cause No.: 88-W-J-89) for the District and appointed in accordance with Title 13 Article 26 of the Indiana Code. The Board is more formally known as the Board of Trustees of the Hendricks County Regional Sewer District.

“BOD₅” (Biochemical Oxygen Demand) means the quantity of oxygen by weight, expressed in mg/l, utilized in the biochemical oxidation of organic matter over- a period of five (5) days when the matter is tested in accordance with Standard Methods.

“BUILDING LATERAL” (also called house lateral and house connection) means the extension from the building drain to the Sewer.

“CAPACITY REIMBURSEMENT AGREEMENT” means an Agreement between a Developer and the District for the collection and payment to Developer of Capacity Reimbursement Fees related to the Construction and conveyance of Wastewater Facilities that are oversized for additional future developments.

“CHANGE ORDER” means a change in a Wastewater Facility Construction, Design, or Materials contract price, contract quantity, or contract time.

“COD” (Chemical Oxygen Demand) means the quantity of oxygen, expressed in mg/l, consumed by the chemical oxidation of inorganic and organic matter present in the Wastewater when the matter is tested in accordance with Standard Methods.

“CONSTRUCTION” means (i) any placement, assembly, or installation of facilities or equipment, or (ii) significant site preparation work including cleaning, excavation, or removal of existing buildings or structures.

“CONTROL MANHOLE” means a manhole providing access to a Building Lateral at some location before the Building Lateral’s Discharge mixes with other Discharges in the Wastewater Facilities.

“CONTROL POINT” means a location, other than a Control Manhole, providing access to a Discharge before the Discharge mixes with other Discharges in the Wastewater Facilities.

“CUSTOMER” shall mean any Person who has accepted responsibility for any billing for Service of the District.

“DEVELOPER” means any Person or Person’s agent, excepting solely the District and Hendricks County Wastewater, LLC, that proposes, is then currently, or has constructed Wastewater Facilities for Service by the District.

“DISCHARGE” means to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these the Wastewater Facilities.

“DISTRICT” means the Hendricks County Regional Sewer District, Hendricks County, Indiana, or any agent, employee, officer or representative of the District, including but not limited to the Utility Manager, acting in their duly authorized capacity.

“DISTRICT STANDARDS” means the details required by the District in the plan set and technical specifications for a Project to meet part of the District criteria for an acceptable Sanitary Sewer design.

“ENGINEER or DISTRICT ENGINEER” means a Person hired by the District to perform consulting services generally related to day to day operations of the District and District projects and may include, but not be limited to, tasks such as general advice to the District or Developers and planning and design services.

“EQUIVALENT DWELLING UNITS”, “E.D.U.’s” or “EDUs” shall be the unit of measurement of quantities of Service, shall be equivalent to 310 gallons per day, and shall be allocated in whole numbers of one or more (by averaging the number up (.50 or greater) or down (.49 or less)).

“FACILITY CONSTRUCTION PERMIT” means a construction permit issued by the Indiana Department of Environmental Management for the construction of a sanitary sewer per 327 IAC 3. For all non-excluded facilities, this permit shall be gained before any sanitary sewer related construction commences at a project site.

“FINAL INSPECTION” means an inspection of an Approved Wastewater Facility about one year after its approval, but prior to its acceptance by the District.

“GARBAGE” Any organic solids including wastes from the preparation, processing, cooking, or dispensing food and from handling, storage, or sale of produce.

“GREASE INTERCEPTOR” means a device designed to intercept most greases and solids before they enter the District’s Wastewater Facilities and are located outside of a building.

“GREASE TRAP” means a device located inside a building designed to intercept greases and other solids before they enter the sanitary sewer system.

“IDEM” means Indiana Department of Environmental Management.

“INDUSTRIAL CUSTOMER” means any Customer that is or will Discharge Industrial Wastewater.

“INDUSTRIAL USER” means any Waste generated by a commercial, business, industrial, or other user (as determined by the District) which has characteristics not normally attributable to Normal Domestic Wastewater (such as characteristics listed in Article V of these Rules and Regulations), but which is otherwise acceptable into the Wastewater Facilities under the terms of these rules and regulations. For the purposes of these rules and regulations, the terms Industrial User and Industrial Wastewater Discharger are used interchangeably.

“INDUSTRIAL WASTEWATER” means wastewater arising from industries or commercial establishments, which may be toxic to the treatment plant, may accumulate in the sludge at the treatment plant, or that may otherwise cause pass through or interference with the treatment plant treatment processes which may cause the treatment plant to violate its NPDES permit. Industrial Wastewater generally requires pretreatment before being discharged to the District’s Wastewater Facilities.

“INDUSTRIAL WASTEWATER CHARGE” means the charge(s) made to Customers for Discharges of Industrial Wastewaters into the Wastewater Facilities in accordance with an Industrial Wastewater Discharge Permit.

“INDUSTRIAL WASTEWATER DISCHARGE PERMIT” means the permit issued by the District to Industrial Customers authorizing the Discharge of Industrial Wastewater to the Wastewater Facilities as set forth in the District’s rules and regulations.

“INDUSTRIAL WASTEWATER DISCHARGER” Any industrial or commercial establishment, manufacturing, or processing facility that discharges Industrial Wastewater to the District.

“MILLIGRAMS PER LITER”, or “(mg/l)” means a weight-to-volume ratio describing concentrations. The milligram-per-liter value multiplied by the factor 8.34 shall be equivalent to pounds per million gallons of water.

“NORMAL DOMESTIC WASTEWATER” means Wastewater of a character that it would normally be Discharged from a home or residence into the Wastewater Facilities and in which the average concentration of Total Suspended Solids is not more than 265 mg/l, and BOD₅ is not more than 300 mg/l.

“OBSERVATION” means a visual or other examination or review accomplished by the District or the Utility Manager and shall be a good faith effort to determine if the work being done is in accordance with the appropriate codes or requirements of the District and in providing approval or disapproval no warrant or guarantee is made that the work complies or doesn't comply with the codes or requirements, nor that the codes or requirements make any warrant of merchantability.

“OVERLOAD” means the imposition of organic or hydraulic loading on the Wastewater Facilities in excess of its engineered design capacity.

“PERSON” includes individuals, corporations, organizations, governments or governmental subdivisions or agencies, business trusts, estates, trusts, partnership associations, and any other legal entity and may be singular or plural.

“PLAN REVIEW FEE” means the fee charged by the District for review of Developer sewer plans for the purposes of the Developer gaining a Wasteload Allocation Letter or On-Site Sewer Construction Permit from the District.

“PRETREATMENT” means the reduction of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of Discharging. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means.

“pH” means the logarithm (base 10) of the reciprocal of the hydrogen ion concentration.

“SANITARY LATERAL” means the pipe carrying wastewater from a home, commercial entity, or industrial entity to a common public sewer and is the property owner's responsibility to maintain, subject to the provisions of Section 8. Sanitary Laterals are also commonly known as building sewers, house connections, or service connections.

“SANITARY SEWER” means the piping, lift stations, force mains, manholes, Sewer Taps, and appurtenances and fixtures of the Wastewater Facilities that convey Normal Domestic Wastewater or Industrial Wastewaters or a combination of both to the Wastewater Treatment Plants, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed.

“SERVICE” shall mean the providing of Wastewater Service by the District and shall be subject to the District’s rules and regulations and normal and emergency operational requirements of the Wastewater Facilities.

“SERVICE AREA” shall mean that part of Hendricks County, Indiana defined as the Service Area under the IDEM Formation Order (Cause No.: 88-W-J-89) that is currently connected to the District’s Wastewater Facilities. The District has contracted with Hendricks County Wastewater, LLC to serve part of this Service Area.

“SERVICE CHARGE” means the monthly charge for Wastewater Service on all users of the Wastewater Facilities.

“SEWER LATERAL CONNECTION PERMIT” means a permit issued by the District or District’s Agent to authorize connection of a building lateral to a sewer main. This permit is issued after the District required approvals and payment of fees. This permit only authorizes on-site laterals to be built and to connect those laterals to the sewer main and does not include building of sewer mains.

“SEWER TAP” means that portion of the Wastewater Facilities extending laterally from a sewer main or other structure of the Wastewater Facilities to the cleanout near the property line of a tract of land (or if a cleanout is not present, at the point that the line crosses the property line) for connection to a Building Lateral.

“SLUG” means any Discharge of Wastewater of a non-routine nature, including but not limited to an accidental spill or a non-customary batch discharge, which has reasonable potential to cause interference or pass through, or in any other way violate the District’s regulations or permit conditions.

“STANDARD METHODS” means the examination and analytical procedures set forth in the latest edition, at the time of analysis, of “Standard Methods for the Examination of Water and Wastewater” as prepared, approved, and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation.

“STOP ORDER” means a corrective order requested by the District having the effect to stop all work to which the District’s rules apply, excepting only work to rectify the infraction, until the infraction is rectified or arrangements acceptable to the District are made for rectification.

“STORMWATER” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt, rainfall, runoff, etc.

“TOTAL SUSPENDED SOLIDS”, “TSS”, or “SS” means solids, measured in mg/l in accordance with Standard Methods, that either float on the surface of, or are in suspension in, water, Wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

“TRAP” means a device designed to skim, settle, or otherwise remove grease, oil, sand, flammable wastes or other harmful substances. This includes Grease Traps and Grease Interceptors.

“UTILITY MANAGER” shall mean a person or organization duly appointed to the position or assigned authority by the Board. The Board may assign different Utility Managers for different portions of the District.

“UNPOLLUTED WASTEWATER” means water containing:

- (a) no free or emulsified grease or oil,
- (b) no acids or alkalis;
- (c) no phenols or other substances producing taste odor;
- (d) no toxic or poisonous substances;
- (e) no noxious or otherwise obnoxious or odorous gases;
- (f) not more than ten (10) mg/l of BOD₅ and fifteen (15) mg/l of SS; and
- (g) color not exceeding fifty (50) units

as measured in accordance with Standard Methods.

“WASTE” means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form.

“WASTELOAD ALLOCATION” shall mean a commitment by the District to provide the Service subject to compliance with the District’s rules and regulations. Wasteload Allocations shall be measured in EDUs to a tract or tracts of land. Wasteload Allocations shall be subject to revision in the event of altered land use, with or without change of ownership or title.

“WASTELOAD ALLOCATION LETTER” means the letter issued by the District to a Developer for a Developer project or the Engineer for a District project that includes a verification by the District the Wastewater Facilities have capacity for the wastewater flow from the proposed project. This letter is required to gain an IDEM Facility Construction Permit.

“WASTEWATER” means a combination of Normal Domestic Wastewater and Industrial Wastewater together with any ground, surface, and Storm Water that may have unintentionally entered the Wastewater Facilities.

“WASTEWATER FACILITIES” means any physical facility intended to collect, convey, treat, or discharge water within the District and is owned or operated, or proposed to be owned, operated or controlled by the District.

“WASTEWATER TREATMENT FACILITY” means any District-owned or operated facilities, devices, and structures used for receiving, processing and treating Wastewater from the Sanitary Sewers.

ARTICLE II

WASTELOAD ALLOCATIONS

Section 1. Service. Service shall be provided or modified by the District only upon the issuance and continued validity of a Wasteload Allocation for the Service and compliance with all applicable District rules and regulations.

Section 2. Wasteload Allocation Amount. The number of EDUs for any lot or tract shall be determined based on approved plans and specifications, and shall be determined per connection using the Flow Calculation Factors listed in 327 IAC 3 unless specifically provided for otherwise by the District.

Section 3. Wasteload Allocation Issuance. A Wasteload Allocation shall be issued only by the Board.

Section 4. Wasteload Availability Letters. The purpose of a Wasteload Availability Letter is to allow preliminary coordination between a Person and the District regarding any anticipated Wasteload Allocations, to provide information on the then current and anticipated conditions of the Wastewater Facilities as they may affect the Person's plans, and to provide written documentation of the information for use in coordination with other governmental agencies. The following procedures shall be utilized to obtain a Wasteload Availability Letter:

- 4.1 Application for Wasteload Availability Letter.** Prior to any consideration for the issuance of a Wasteload Availability Letter, the Person ("Applicant") seeking the letter shall complete and submit to the Utility Manager a written Application For Wasteload Availability Letter on the District's standard form, accompanied by required documentation.

- 4.2. Notice of Additional Information Required.** No later than fifteen (15) days after filing the application the District shall provide to the Applicant, if required, written notice of additional information deemed necessary to process the application. The Utility Manager shall also provide notice to Applicant at this time if timely availability of capacity in the Wastewater Facilities may be limited or restricted. Additional notices may also be provided at any time the Utility Manager determines additional information is deemed necessary to process the application.
- 4.3. District's Investigation and Determinations.** Following receipt of all required information, the Utility Manager, shall investigate and make his determinations as to:
- (i) The availability of capacity in the Wastewater Facilities for the requested Wasteload Availability Letter, and
 - (ii) The requirement to provide for any additions, extensions, improvements or alterations to the Wastewater Facilities necessary to provide the anticipated Service in compliance with all applicable District and governmental standards.
- 4.4. Issuance of Wasteload Availability Letter.** If, upon investigation, the Utility Manager determines adequate capacity exists in the Wastewater Facilities and the anticipated Service is feasible under the District' rules and regulations and according to a design generally indicated on a plan or letter from Applicant's engineer, the Utility Manager shall issue a written "Wasteload Availability Letter" containing statements of the conditions under which the letter has been issued and under which Service is at that time anticipated to be feasible. The Wasteload Availability Letter shall not be construed as a Wasteload Allocation, but shall indicate that, as of the date of the Wasteload Availability Letter, the existing Wastewater Facilities have adequate capacity for the Service contemplated under the Wasteload Availability Letter Application.

- 4.5. Wasteload Availability Denial.** If, upon investigation, the Utility Manager determines the Service contemplated under the Wasteload Availability Application cannot be provided in substantial accordance with the application, the Utility Manager shall issue to the Applicant a Wasteload Availability Denial. This letter shall signify the District has determined the contemplated Service cannot be provided through existing Wastewater Facilities, or that the proposed method of providing Service is not acceptable.

Section 5. Wasteload Allocation Obtainment. The purpose of Wasteload Allocations is to reserve and commit capacity from the Wastewater Facilities specifically for Service to an area. The following procedures shall be utilized to obtain a Wasteload Allocation:

- 5.1. Application for Wasteload Allocation.** After issuance of a Wasteload Availability Letter, and prior to any consideration for the issuance of a Wasteload Allocation, the Person ("Applicant") seeking an allocation shall submit to the Utility Manager and District Engineer a set of stamped, signed, and bound, nominally 24"x36" plans containing the following:
- (i) Title sheet including, but not limited to, name of development, name of Developer, and name of Developer's engineer.
 - (ii) Overall plan view and general location plan of the development.
 - (iii) Overall utility plan for the development showing all utilities.
 - (iv) A list of utilities and their contact information.
 - (v) Sanitary sewer plan and profile sheets showing all utility crossings, length of sanitary sewer, pipe type and depth, manholes, etc.
 - (vi) Sanitary sewer details including, but not limited to, manholes, drop manholes, manhole frame and cover, pipe bedding, adjusting rings, manhole benches, service connection to sewer, grease interceptors, oil water separators, etc.
 - (vii) Sanitary sewer technical specifications including a statement that the District shall be notified 48 hours prior to any sanitary sewer testing.
 - (viii) For connections to existing sewers, show a detail and state in plan view how new sewer will connect to the existing sanitary sewer.
 - (ix) For developments other than single family homes, a floor plan, seating plan, and/or number of what type of units plan to assist District Engineer in

calculating the Wasteload Allocation. Allocation shall be calculated per Section 6.6 below.

- 5.2. Notice of Additional Information Required.** No later than fifteen (15) days after submitting information listed in Section 6.1, the District, acting through its Engineer, shall provide to the Applicant, if required, written notice of additional information deemed necessary by the Engineer to process the application. The Utility Manager shall also provide notice to Applicant at this time if timely availability of capacity in the Wastewater Facilities may be limited or restricted. Additional notices may also be mailed at any time the Engineer determines additional information is deemed necessary to process the application.
- 5.3. Providing Additional Information.** The application will be held in abeyance until all information identified in the Notice of Additional Information is delivered to the Engineer. In the event an application is held in abeyance for a period of sixty (60) or more days awaiting delivery of information, the application will be subject to any changes in the District's rules and regulations adopted prior to receipt of the information.
- 5.4. District's Investigation and Determinations.** Following the Utility Manager's receipt of all required information, the District, through its Utility Manager and/or Engineer, shall investigate and make its determinations as to:
- (i) The availability of capacity in the Wastewater Facilities for the requested Wasteload Allocation, and
 - (ii) The requirement to provide for any additions, extensions, improvement or alterations to the Wastewater Facilities necessary to provide the requested Wasteload Allocation in compliance with all applicable District and governmental standards.
- 5.5.** Sections 5.1 to 5.4 shall continue to repeat until submitted plans are approved by District's Engineer.
- 5.6 Wasteload Allocation Calculation.** A Wasteload Allocation shall be calculated using the method below applicable to a given Development:

- (i) Using flow calculation factors listed in Table 11-1 of 327 IAC 3-6-11 except as provided for in Section (ii).
- (ii) For warehouse type developments where “warehouse” is defined as a building whose primary purpose is the storage of goods or materials for distribution. The transferal of goods and materials between shipping containers and/or vehicles, and a small component of office activity to support these warehousing activities would be included in the definition. Manufacturing, assembly, fabrication, product preparation, service work and retail sales would not be considered warehousing functions, the following table based on gross square footage shall be used:

Gross Area of Warehouse [Sq.Ft.]	Flow Calculation Factor [gal/day/Sq.Ft.]
0 to 35,000	0.033
35,001 to 75,000	0.028
75,001 to 150,000	0.023
150,001 to 300,000	0.014
300,001 to 500,000	0.011
>500,000	0.009

- (iii) For any developments that do not fit either (i) or (ii) above, flow shall be calculated per District Engineer’s discretion with the calculation method approved by the District.

5.7 Fees. Prior to presentation to the Board for approval, the Applicant shall provide the Utility Manager with a check, money order or other good and current U.S.(non-cash) funds for the total sum of Fees in the amount of the total Fee (based on the then current Rate Ordinance) due for the requested Wasteload Allocation. Applicant shall also submit a Wasteload Allocation application at this time. Board shall not issue Wasteload Allocation Letter until such time as Fees are paid in total.

5.8. Contracting Authority. The Board may enter into agreements with Developers, other political entities, etc. for the purposes of construction of wastewater facilities, and/or conveyance and treatment of wastewater subject to the terms of these rules and regulations.

5.9 Capacity Reimbursement Agreement. Reimbursement shall be available for that portion of the Construction and Engineering costs of Wastewater Facilities to be constructed by the Applicant which have capacity in excess of that otherwise required for the requested Wasteload Allocation and that have been specifically requested by the District to be made available for future developments. The amount of reimbursement available shall be the pro-rata proportion of the total eligible costs, the pro-rata portion being determined to be the number of EDUs of excess capacity requested in proportion to the sum of the number of total EDUs of capacity in each applicable facility. Capacity reimbursement shall be subject to the conditions of this section.

- (i) **Applicability:** Any plan sets received after the date this policy is approved and signed by the Board will be subject to this policy.
- (ii) **Notification:** Developer shall notify the Board by letter at such time of first plan set submittal to Engineer for review for Wasteload Allocation approval of Developer's desire to enter into a Capacity Reimbursement Agreement with the Board. An estimate of the construction cost for the portion of the system that is oversized shall be submitted at this time. If Developer does not notify the Board at the time of first plan set submittal, Developer shall forfeit any opportunity for reimbursement.
- (iii) **Letter of Intent:** Upon notification from Developer and receipt of estimated construction cost, Engineer shall prepare a Letter of Intent stating that upon completion of construction, Developer and Board shall enter into a Capacity Reimbursement Agreement to be executed by the District Utility Manager. The Letter of Intent shall include as an attachment a sample Agreement containing the estimated reimbursement potential calculated from the estimated construction cost provided by the Developer. The Letter of Intent shall be signed by the Developer and the Board at a public meeting of the Board.
- (iv) **Agreement:** Agreement shall, in general, provide for reimbursement to the Developer of eligible costs when subsequent connections are made which utilize capacity made available by facilities installed by the Developer. Reimbursement shall be paid on a pro-rata basis proportional to the number of EDUs utilized by the subsequent connections. Specific terms of the Agreement are stated in the attached sample Capacity Reimbursement Agreement.

- (v) **Execution of Agreement:** Developer shall provide Engineer with final construction cost prior to sewer acceptance into the public system. Engineer shall have two (2) weeks from date of receipt of final construction cost to prepare the final Agreement, including a cost per EDU potential reimbursement fee. A finalized Agreement between the Developer and the Board shall be signed by the Developer and Board at the first public meeting of the Board following the two (2) weeks from receipt of final construction cost.
- (vi) **Collection of Subsequent Reimbursement Revenue:** The Board shall collect from parties desiring subsequent connection to facilities installed by the Developer reimbursement revenue on a dollars per EDU basis to fund reimbursement to the Developer. Such subsequent reimbursement revenue shall be collected in addition to normal connection and inspection fees of the Regional Sewer District.
- (vii) **Effective Time Period:** Agreement shall be in effect for a term of fifteen (15) years from the date of signature of the final Agreement. At the completion of fifteen (15) years or at such time as full reimbursement has been made, whichever occurs sooner, the Developer shall no longer be eligible to receive reimbursement.

5.10 Approval by Board for Wasteload Allocation. In order to obtain a Wasteload Allocation, the Applicant shall submit the following items, meeting the appropriate conditions described above, to the Board:

- (i) Complete plans of the proposed Wastewater Facilities,
- (ii) A check or other good current U.S. (non-cash) funds for Connection Fees,
- (iii) A Utility Development Agreement, if applicable, and
- (iv) A draft Capacity Reimbursement Agreement which includes an engineer's opinion of probable construction cost, if applicable, and obtain the Board's approval.

Section 6. Wasteload Allocation Dissolution. A Wasteload Allocation may be dissolved upon written request from each owner(s) of fee simple title of the lot or tract and all lienholders of the lot or track thereto, and upon approval of the dissolution by the Board. No refund of fiscal guarantees or prepaid connections fees shall be granted. This section does not apply if the property is or has ever been connected to the Sanitary Sewer and is receiving or has received service.

Section 7. Withdrawal and Modification of Wasteload Allocations.

- 7.1. Any Wasteload Allocation to a lot or tract on which an industrial or commercial Customer exists may be modified upward or downward by the Board after one (1) full year of Service upon the request of the Customer or as initiated by the District based on the findings of a determination of the actual Service being provided. The Board may modify a Wasteload Allocation to an industrial or commercial Customer upwards at any time as initiated by the District based on a belief that the flows from the Customer have substantially increased and on the findings of determination of the actual Service being provided. The actual Service being provided shall be determined by examination by the District of the immediately previous twelve (12) months of water meter data for the Customer. For the purposes of this subsection, a full year of Service shall be defined for a lot or tract on which individual commercial establishments are designed to exist, as the first twelve (12) months following the initiation of trade in all buildings, pads or storefronts such that typical wastewater generation can be demonstrated. In the event all portions of the building(s) or structures(s) on the lot or tract are not occupied at the time water meter data is examined, the Wasteload Allocation shall be adjusted upward in direct proportion of occupiable space in comparison with the space then occupied. Upon the modification of a Wasteload Allocation, the multiplier for purposes of assessing the Service Charge (in Section 2, Article VI), and other appropriate fees shall be adjusted. Any payment by the customer or reimbursement by the District shall be made in a reasonable time. In the event the Wasteload Allocation is adjusted downward, no refund of Connection Fees will be made. In the event the Wasteload Allocation is adjusted upward, additional Connection Fees will be charged.
- 7.2. Any Wasteload Allocation or Wasteload Availability may be withdrawn or modified by the District upon District's discovery of possible or actual errors or omissions in the facts or of misrepresentations or failure to fully disclose all relevant facts regarding design or Construction of the Wastewater Facilities or any other fact or assumption on which the allocation, reservation or approval was based, and the District believes the allocation, reservation or approval cannot be provided subject to the District's rules or policies. Upon discovery of the possible or actual omission, written notice shall be given to the Person obtaining the allocation or approval by the

District by registered, return receipt mail. Thereafter, upon at least five (5) days written notice being given by the Utility Manager to the Person, the Board shall hold a hearing at a duly held open meeting. At the hearing, the Board shall review all data and information on which the approval, reservation or allocation was based and the data and information from which the District believes the discovery of a possible or actual error or omission is based and any additional information and data which the District determines should have been provided, and shall render its decision regarding withdrawal or modification of the approval, allocation or reservation based upon the data and information received at the hearing and the additional information and data as it may require. A decision of the Board shall be final to the extent that it conclusively determines any matter in controversy. Pending final conclusion of a hearing hereunder, no new authorizations, approvals or permits shall be provided by the District to the lands for which the facilities were designed to serve.

Section 8. Design and Construction Criteria For Wastewater Facilities. All Wastewater Facilities shall fully comply with the District's Standards. In providing a Wasteload Availability Letter, plan reviews, or review and approval of change orders, the Utility Manager may provide for, as deemed necessary by both the Utility Manager and the District, which criteria are stricter or different than those minimum design and Construction criteria. The District shall allow the use on an individual basis of design and Construction criteria for Wastewater Facilities for which specific criteria have not been adopted by the District.

8.1. Wastewater Facility Design and Construction Criteria. All Wastewater Facilities in or to be served by the District shall be designed and constructed so that they fully comply with the applicable Rules and Regulations for Sewer Systems of the Indiana Department of Environmental Management, applicable Recommended Standards for the Design of Wastewater Systems (Ten States Standards), and the District Standards, which are incorporated herein by reference for all purposes. In general, Wastewater Facilities shall extend across a tract for Service, unless it is not foreseen that the sewer will be extended in the future or the Service is to a single residence in a large acreage tract. Unless exception is explicitly granted, all sewers shall be designed at least at minimum grade, and preferably at greater than minimum grade, and at the lowest depth possible allowing for connection to the downstream Sanitary Sewer.

8.2 Standard Detail Drawings, Technical Specifications and General Notes. The Board shall adopt District Standards; and shall adopt general notes for Wastewater Facilities plans and Construction, and technical specifications requirements for Wastewater Facility Construction contracts. All standard detail drawings and general notes applicable to the project shall be incorporated in the plans. All applicable technical specifications shall be incorporated in the Construction contracts. Further, standard detail drawings, technical specifications and general notes for Wastewater Facilities not addressed in the District's standard detail drawings, technical specifications and general notes may be incorporated in plans and contracts presented to the Utility Manager for review.

ARTICLE III
CONSTRUCTION

Section 1. Wastewater Facility Construction Procedures.

- 1.1 Wastewater Facility Construction Permit.** Construction shall not be commenced on any New Wastewater Facility of at least eight inches (8") in diameter or serving more than one (1) building until the Developer, or Contractor acting as Developer's agent, proposing to construct the Wastewater Facility has obtained a Wastewater Facility Construction Permit from IDEM.
- 1.2 On-Site Sewer Construction Permit.** Construction shall not be commenced on any New Wastewater Facility that does not require an IDEM Facility Construction Permit until the Developer, or Contractor acting as Developer's agent, proposing to construction the Wastewater Facility has obtained an On-Site Sewer Construction Permit from the District.
- 1.3 Construction Observations and Inspections.** The District's inspector shall observe the Construction, and inspect and approve all tests involved in the Construction of any and all Wastewater Facility improvements. Workmanship and materials shall comply with all applicable District requirements prior to their acceptance and be satisfactory to the inspector. The inspector shall observe the Construction as deemed necessary by the District and the Utility Manager, and shall be present for and approve of:
- (i) All required tests,
 - (ii) An approval inspection, and
 - (iii) Any other inspection deemed necessary.
- It shall be the Developer's and Contractor's responsibility to obtain approval of all required inspections.
- 1.4 Easements for Wastewater Facilities.** Prior to initiation of Construction through any land not owned by the public as a right-of-way or within an appropriate proposed easement included in a final subdivision plat approved by the Hendricks County Planning Commission, an appropriate easement, either a platted public utility easement or sanitary sewer easement deeded to the District, must be completed and

executed by the landowner on the District's standard form. This easement shall include a complete and acceptable legal description of the easement as prepared by a registered surveyor and a location map of the tract. These documents shall be presented to the Utility Manager for approval, then filed with the County Recorder's Office of Hendricks County, Indiana, then presented to the Utility Manager in recorded form. In general, easements shall be at least thirty feet (30') wide unless a waiver is granted by the District, and shall be accessible to vehicular traffic. Easements along rights-of-way or other easements shall be contiguous with those rights-of-way or easements. The District may utilize its power of eminent domain in the acquisition of easements for Wastewater Facilities, provided the Applicant shall pay for all costs related to the easement acquisition, including but not limited to the costs of the land, reasonable attorney's fees and employee/consultant's charges.

- 1.5 Operations of Wastewater Facilities.** No Wastewater Facilities shall be operated, modified, or changed by any Person in order to accommodate any Contractor's work or for any other reason except in accordance with the express consent of the Utility Manager and in the presence of the District's inspector. *Highest* priority shall be given to maintaining Service to Customers when considering the operations.
- 1.6 Flow to Wastewater Facilities Providing Service.** No direct flow will occur from an unapproved Wastewater Facility to Approved Wastewater Facilities or Accepted Wastewater Facilities except at those times and in those manners specifically approved by the District's inspector.
- 1.7 Change Orders, Other Project Changes.** Reasonable Change Orders or other Project Changes for work on Developer-installed Wastewater Facilities shall be submitted to the District for review and approval. The Developer shall obtain approval prior to initiation of the work under any Change Order. Work completed prior to the written approval of the Utility Manager which is outside the Scope on the approved plans is done at the Developer's risk, and may need to be modified or removed if not approved.
- 1.8 Approval and Acceptance of Wastewater Facilities – IDEM Permit Required.** This section shall apply to wastewater facility construction which requires an IDEM

Wastewater Facility Construction Permit. This section summarizes the process to gain approval and acceptance of Wastewater Facilities when an IDEM Wastewater Facility Construction Permit is required. A complete outline of the process is included in Attachment 1 to these Rules and Regulations. All appropriate permits shall be obtained prior to the start of Wastewater Facility Construction.

- (i) Submit plans and specifications to District Engineer for review and approval.

Submittal should include the following:

- (a) Title sheet including, but not limited to, name of development, name of Developer, and name of Developer's engineer.
- (b) Overall plan view and general location plan of the development.
- (c) Overall utility plan for the development showing all utilities.
- (d) A list of utilities and their contact information.
- (e) Sanitary sewer plan and profile sheets showing all utility crossings, length of sanitary sewer, pipe type and depth, manholes, etc.
- (f) Sanitary sewer details including, but not limited to, manholes, drop manholes, manhole frame and cover, pipe bedding, adjusting rings, manhole benches, service connection to sewer, cleanouts, grease interceptors, oil water separators, etc.
- (g) Sanitary sewer technical specifications including a statement that the District shall be notified 48 hours prior to any sanitary sewer testing.
- (h) For connections to existing sewers, show a detail and state in plan view how new sewer will connect to the existing sanitary sewer.
- (i) For developments other than single family homes, a floor plan, seating plan, and/or number of units planned to assist District Engineer in calculation the Wasteload Allocation.

- (ii) If plans are approved, complete the District's Wasteload Allocation Application and submit Application along with payment of the appropriate Fees to the District or entity appointed by the District. When Application and Fees are received, District will prepare the Wasteload Allocation Letter. If plans are not approved, Developer shall revise plans per District comments and resubmit plans and specifications to the District Engineer. Repeat until District approval is received.

- (iii) Board will sign Wasteload Allocation Letter at the next convenient Board meeting.
- (iv) Developer will submit plans, specifications, and completed Facility Construction Permit Application to IDEM.
- (v) Developer shall revise documents per IDEM comments and resubmit information to IDEM. Repeat until IDEM issues Facility Construction Permit.
- (vi) Start construction of Wastewater Facilities. District shall perform inspection throughout construction.
- (vii) Notify District a minimum 48 hours in advance of any testing. District shall observe testing. If testing passes, submit as-built drawings, bonds, easements, and other documents so requested by the District to the District. If testing fails, make appropriate corrections and schedule re-test, which District shall also observe.
- (viii) District shall perform final inspection. If inspection passes, District shall approve and accept Wastewater Facilities. If inspection fails, make appropriate corrections and notify District to perform a second final inspection. Repeat until Wastewater Facilities are acceptable to the District.
- (ix) At such time as the property use changes or an expansion of facilities is made, refer to Attachment 1 for the appropriate process.

Section 2. Approval and Acceptance of Wastewater Facilities – IDEM Permit Not Required. This section shall apply to wastewater facility construction which does not required an IDEM Facility Construction Permit. This section summarizes the process to gain approval and acceptance of Wastewater Facilities when an IDEM Wastewater Facility Construction Permit is required. A complete outline of the process is included in Attachment 2 to these Rules and Regulations. All appropriate permits shall be obtained prior to the start of Wastewater Facility construction.

2.1 One Building With Lateral.

- (i) Submit plans and specifications to District Engineer for review and approval. Submittal should include the items in the following list. The following list assumes no sewer profiles are required. If sewer profiles are required, then an IDEM permit is likely required. Refer to Section 1.8 above for requirements.

- (a) Title sheet including, but not limited to, name of development, name of Developer, and name of Developer's engineer.
 - (b) Overall plan view and general location plan of the development.
 - (c) Overall utility plan for the development showing all utilities.
 - (d) A list of utilities and their contact information.
 - (e) Sanitary sewer details as appropriate. These may include, but not be limited to, pipe bedding, cleanouts, service connection to existing sewer, grease interceptors, oil water separators, etc. If a new tap is required to an existing sewer main, details of the connection shall be provided in plans submitted for approval and Contractor shall be directed to coordinate with the District Engineer.
 - (f) A statement that the District shall be notified 48 hours prior to any sewer testing.
 - (g) For connections to existing sewers, show a detail and state in plan view how new sewer will connect to the existing sanitary sewer.
 - (h) For developments other than single family homes, a floor plan, seating plan, and/or number of what type of units plan to assist District Engineer in calculation the Wasteload Allocation.
- (ii) If plans are approved, complete the District's Wasteload Allocation Application and On-Site Sewer Construction Permit Application and submit Applications along with payment of the appropriate Fees to the District or entity appointed by the District. When Application and Fees are received, District will prepare the Wasteload Allocation Letter. If plans are not approved, Developer shall revise plans per District comments and resubmit plans and specifications to the District Engineer. Repeat until District approval is received.
 - (iii) Board will sign Wasteload Allocation Letter at the next convened Board meeting.
 - (iv) Start construction of Wastewater Facilities. District shall perform inspection throughout construction.
 - (v) Notify District at minimum 48 hours in advance of any testing. District shall observe testing. If testing passes, submit as-built drawings and other documents so requested by the District to the District. If testing fails, make appropriate corrections and schedule re-test, which District shall also observe.

- (vi) District shall perform final inspection. If inspection passes, District shall approve and accept Wastewater Facilities. If inspection fails, make appropriate corrections and notify District to perform a second final inspection. Repeat until Wastewater Facilities are acceptable to the District.
- (vii) At such time as the property use changes or an expansion of facilities is made, refer to Attachment 2 for the appropriate process. This Attachment assumes that if an IDEM permit was not required as part of the above process, then an IDEM permit will not be required for any future expansions. If such a case occurs where an IDEM permit is required for a future expansion, Developer shall refer to Section 1.8 above and follow the process outlined in Section 1.8.

2.2. One Building with Multiple Laterals or Multiple Buildings with Multiple Laterals. If all Wastewater Facilities are less than eight (8) inches in diameter, follow Section 2.1 above. If any Wastewater Facility is eight (8) inches or larger in diameter, consult with District Engineer or IDEM for appropriate path to follow.

2.4. Re-Inspection Fees. The District may charge inspection fees for any re-inspections.

ARTICLE IV

SERVICE

Section 1. Applicability. All Service by the District shall be subject to the following rules and regulations and only Service specifically addressed in the District's rules and regulations may be provided.

Section 2. Service Commencement Requests, Service Discontinuation Requests and Service Abandonment. Service to a Customer shall be commenced upon connection to Wastewater Facilities upon the Customer's compliance with all applicable District rules, regulations, policies and procedures, including the providing of required information, and payment of all applicable fees and charges. Service shall be discontinued upon acceptance by another customer of responsibility for the Service, or, if a Customer has abandoned responsibility for District billings without notifying the Utility Manager, upon the Utility Manager's discovery of the abandonment.

- 2.1** Service shall be discontinued upon the property transferring to a new Owner or, if a Renter occupies the property, the Owner chooses to have the Renter transfer service into the Renter's name. When the Renter vacates the property, service shall be transferred back into the Owner's name.

If the Utility Manager determines that a Customer's Service has been abandoned by that Customer and is being used by another, the Utility Manager shall provide the person using the service written notice and for the person to comply with all District rules, regulations, procedures and policies applicable to commencement of Service. During the time, responsibility for payment for Service shall remain with the Customer, and, upon the expiration of the time, if Service is not properly initiated by another Customer, the District may pursue all legal remedies.

If the Utility Manager determines the District has mandated public sewer service to an area, requires connection of all properties in the area, has allocated capacity for the connection, has installed a sewer tap for the connection, and has attempted to inform the property owners that properties must be connected to the sewer, then the Utility Manager, after taking the issue before the Regional Sewer Board, may after ninety (90) days initiate service charges adopted under Article VI.

Section 3. Agreements. The District may enter into any agreements necessary to carry out the duties of the District. These agreements may include, but not be limited to, wholesale agreements with other entities, public private partnerships, etc.

Section 4. Billings and Billing Cycles. All Customers and others obtaining Service from the District shall be billed for the Service. The Utility Manager shall provide a monthly billing cycle. When service is initiated mid-billing cycle, the first bill shall be prorated based on the number of days of service provided. After the end of the first billing cycle, the customer shall start regular monthly payments. All District billings shall be on a per connection basis, and there will be no split billings. A bill is considered delivered when deposited in the U.S. Mail, postage prepaid.

Section 5. Delinquencies.

- 5.1. A billing for Service shall become delinquent to the extent payment is not received by the District on or before the 15th day after the bill date (excluding Saturday, Sunday, or State Holidays). When the 15th day falls on a Saturday, Sunday or Holiday, payment will be due on or before the first working day following the 15th day. A delinquency penalty equal to ten percent (10%) of the current amount becoming delinquent shall be added to the bill on the date of the delinquency. All payments made upon delinquent bills shall be applied first to delinquency penalties, then to the rates, fees and charges due and owing in the chronological order of their dates, from most delinquent to most recent.
- 5.2. Once a bill is sixty (60) days past due, the District shall notify the Owner of the balance due and allow five (5) business days for the Owner to remit payment. If the balance is not paid within the specified time frame, the District shall send a certified letter to the Owner and the Hendricks County Health Department that the District will proceed with disconnection of the Owner's sanitary sewer if the balance is not paid within five (5) business days. The next business day following the five (5) business days, a disconnect door hanger will be left at the property and utility locates will be requested. Two business days later, the District will disconnect the sewer service and leave a door hanger stating the Owner should not use water and who the Owner should contact to restore service once payment is made in full. Once payment has been made in full, the District will schedule the sewer service to be restored the

following business day and a door hanger will be placed on the door stating sewer service has been restored.

- 5.3 A billing may remain delinquent for ninety (90) days after which the Utility Manager may initiate and, if payment in full is not received by the District, complete standard lien procedures and pursue other available legal remedies.

Section 6. Miscellaneous Billings and Reconciliations. The Utility Manager shall be authorized to credit, debit or make reimbursements with respect to errors in the District's billings and to make appropriate charges, account debits, and billings to any Customer for any purposes provided by the District's rules and regulations. The nature and amount of any credit, debit, reimbursement or billing shall be made based upon the best information available at the time, and, in the event that insufficient data are available, the determination may be made based upon historical records and data. In general, all adjustments shall be made by credits and debits to the Customer's account with the District, unless the Customer is relinquishing responsibility for District billings, or a Customer has made an overpayment due to an error on the part of the District, in which cases the adjustment shall be made by payment to or by the District. The Utility Manager shall notify the Customer of any adjustment and the reasons for it.

Section 7. Alternative Payment Plans. In the event the Utility Manager determines, based upon clear and reasonable evidence, a billing to a Customer has become unduly burdensome to the Customer as the result of health problems, a death in the immediate family, or other cause beyond the control of the Customer, the Utility Manager shall have the authority to develop and implement an alternative payment plan for the Customer and to waive billing penalties during the period of the alternative payment plan.

Section 8. Security and Maintenance of District Facilities.

- 8.1. The Customer, or Builder or Owner if Service is not being provided, shall be responsible for the security of the Sewer Tap installed to provide Service.
- 8.2. The Utility Manager shall maintain all Wastewater Facilities for the District. The Wastewater Facilities end at the termination of the Sewer Tap, generally located at the property line.

- 8.3.** In the event that any Wastewater Facility for which a Customer, Builder, or Owner is responsible for security is damaged or otherwise harmed, the Utility Manager shall attempt to determine the Person responsible. If the Utility Manager determines the Person responsible, the Utility Manager shall repair or replace the Wastewater Facility, and all costs for the repair shall be borne by the responsible Person. Billing of the costs shall be mailed to the latest address of the responsible Person according to the best available records, and shall be due and payable in full ten (10) days after the mailing. In the event the billing becomes delinquent, no consideration shall be given by the District for requested permits or approvals and if Service is provided, standard lien procedures shall be initiated and, if payment in full is not received, completed. Additionally, the District can pursue any legal remedy for correction of the problem or collection of the costs for those corrections.
- 8.4.** In the event a sewer back-up problem exists with a Customer obtaining Wastewater Service from the District, the Customer should contact the Utility Manager immediately. The District, through the Utility Manager, will repair any clogs or sewer problems within the Wastewater Facilities. Once the Utility Manager has verified the main line sewer is operational, the Utility Manager will notify the Customer they will be responsible for repair of any clogs or defects in or upstream of the Customer's sanitary lateral. Customer shall also be responsible for the costs related to the correction of problems in the Wastewater Facilities caused by the use by Customer of the Wastewater Facilities. The Utility Manager will attempt to determine where in a sewer line the problem exists, and the problem may be temporarily or permanently corrected in making the determination. If it is determined the problem exists within the Customer's area of responsibility, and the Utility Manager corrects the problem, or the problem can be identified to have been caused by Customer's use of the Wastewater Facilities, the District will bill the Customer the standard charge (in the case of a problem in Customer's plumbing), or the actual costs for correction of the problem (in the event the problem was caused by Customer's use of the Wastewater Facilities) on the next Service billing, and the charges shall be subject to all provisions of the billing. The Customer shall immediately take steps to permanently correct any problem which is Customer's responsibility.

Section 9. Security Devices. The District shall provide security devices, as the Utility Manager may deem appropriate, to provide means of determining if District facilities have been used in violation of any of the District's rules, regulations, policies or procedures or to prohibit access to any facilities. District security devices shall be installed, removed, operated and repaired only by the Utility Manager or by District employees and duly authorized District representatives, and the tampering with any device is prohibited. The Utility Manager shall notify the Hendricks County Health Department regarding the use of any security device that has the effect of limiting or eliminating the availability of Service. The District may adopt charges for the replacement of security devices that are removed or damaged in violation of the District's rules and regulations.

Upon discovery of a violation of this Section the Utility Manager shall re-secure the facility, shall determine the party responsible and shall mail the applicable bill at their best available address. The bill shall be due and payable in full ten (10) days after mailing and shall be deemed submitted and delivered for upon deposit in the US Mail, postage prepaid. If the billing becomes delinquent, the Utility Manager may request Hendricks County to post Stop Orders upon all work in the District being carried out by or on behalf of the party, revoke any permits and authorizations of the District, undertake standard lien procedures with respect to all Services by the District to the party, and seek any and all other remedies permitted under these rules and regulations and the law.

Section 10. Access to Wastewater Facilities.

- 10.1.** The District shall have access at all times to all Wastewater Facilities. No Person shall deny the District or any employee or authorized representative of the District access to any Wastewater Facility and sanitary laterals.
- 10.2.** In the event that any party denies the District or the Utility Manager access to any Wastewater Facility, the District may obtain access by any reasonable means available and may charge the costs of obtaining access to the party determined to be responsible for denial of the access. The charges shall be mailed to the party and shall be due and payable to the District in full ten (10) days after the mailing. The District may pursue any remedies available to the District under these rules and regulations and at law.

ARTICLE V

INDUSTRIAL WASTEWATER DISCHARGES AND OTHER WASTE DISCHARGE PROVISIONS

Section 1. General Provisions. These rules and regulations set forth uniform requirements to be met by all Industrial Wastewater Dischargers utilizing the Wastewater Facilities and other Discharges into the Wastewater Facilities. These rules and regulations shall be given full force and effect inside the Service Area and within those areas located outside the boundaries of the Service Area from which Wastewater is Discharged into the Wastewater Facilities. Industrial Wastewater Dischargers are obligated to financially support the Wastewater Facilities by paying all applicable user charges and fees to the District for costs associated with the collection, transportation, treatment, operation, maintenance, monitoring, administration, and enforcement services provided to the user of the Wastewater Facilities. The objectives of the rules and regulations in this article are:

- 1.1. To prevent the introduction of pollutants into the Wastewater Facilities in quantities or qualities that would interfere with the operation of the Wastewater Facilities, or contaminate the resulting sludges;
- 1.2. To prevent the introduction of pollutants into the Wastewater Facilities that may typically pass through it either unaffected by the treatment process, or inadequately treated by that process, and resulting in an insufficient quality of effluent discharging into the receiving waters or atmosphere;
- 1.3. To improve the opportunity for reclaiming and recycling Wastewater and sludge generated by the Wastewater Facilities;
- 1.4. To ensure there is an equitable distribution of the operation, maintenance and capital related costs of the Wastewater Facilities across user classes;
- 1.5. To create a permit system to regulate nondomestic users of the Wastewater Facilities;
- 1.6. To enforce the provisions of these rules and regulations by requiring self-monitoring and self-reporting from industrial users to supplement periodic investigations made by Utility Manager;

- 1.7. To provide penalties for violations of the regulations established herein; and
- 1.8. To protect the waters of the State.

Section 2. Prohibited Discharges.

- 2.1. No person may Discharge to the Wastewater Facilities any Waste which by itself or by interaction with other Wastes may:
 - (i) Injure or interfere with normal operation, processes or treatment associated with the Wastewater Facilities;
 - (ii) Constitute a hazard to humans or animals; or
 - (iii) Create a hazard in receiving waters of the Wastewater Treatment Plant effluent.
- 2.2. All Discharges shall conform to the requirements of these rules and regulations.

Section 3. Regulatory Compliance.

- 3.1. Revisions of the State of Indiana's regulations concerning specific pollutant requirements and limitations having a direct or indirect effect on Discharges to the Wastewater Facilities, shall immediately supersede the requirements and limitations imposed by these rules and regulations when the State requirements are more stringent than either the Federal or District standards and requirements.
- 3.2. After treatment of the Wastewater, concentration limits of all constituents may not exceed the requirements established by state, federal, or other agencies with jurisdiction over Discharges to receiving waters of the State of Indiana.

Section 4. Chemical Discharges.

- 4.1. The District may set limits for the chemicals listed below. These limits may be for the overall District or for individual Customers.
 - (i) Cyanide
 - (ii) Fluoride
 - (iii) Chlorides
 - (iv) Gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas; or
 - (v) Substances causing excessive Chemical Oxygen Demand (C.O.D.).

- 4.2.** No Waste or Wastewater discharged to the Wastewater Facilities shall contain any:
- (i) Strong acid, iron pickling wastes, or concentrated plating solutions whether neutralized or not;
 - (ii) Fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperature between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (0 and 65 degrees Centigrade);
 - (iii) Objectionable or toxic substances to the degree that any such material received in the Wastewater at the Wastewater Treatment Plant exceeds the limits established by the District or other governmental entity having authority for the materials; or
 - (iv) Obnoxious, toxic, or poisonous solids, liquids, or gases in quantities sufficient to violate the provisions of this article.
- 4.3.** No Waste, Wastewater, or other substance may be Discharged into the Wastewater Facilities which has a pH lower than 5.5 or higher than 9.5, or any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel in the Wastewater Facilities.
- 4.4.** All Waste, Wastewater, or other substance containing phenols, hydrogen sulfide, or other taste-and-odor producing substances, shall conform to concentration limits established by the District and all other governmental entities having authority over treatment and discharge.

Section 5. Heavy Metals and Toxic Materials.

- 5.1.** The District may to set limits for the chemicals listed below. These limits may be for the overall District or for individual Customers. Concentrations of these chemicals in a Customer's discharge shall be determined based on individual grab sampling in accordance with Standard Methods.
- (i) Arsenic
 - (ii) Barium
 - (iii) Boron
 - (iv) Cadmium
 - (v) Chromium (Total)

- (vi) Copper
- (vii) Lead
- (viii) Manganese
- (ix) Mercury
- (x) Nickel
- (xi) Selenium
- (xii) Silver
- (xiii) Zinc

5.2. Heavy metals and toxic materials prohibited in accordance with this Section include but are not limited to:

- (i) Antimony,
- (ii) Beryllium,
- (iii) Bismuth,
- (iv) Cobalt,
- (v) Molybdenum,
- (vi) Uranyl ion, and
- (vii) Rheniums.

Section 6. Garbage.

6.1. No Person may discharge Garbage into the Wastewater Facilities. Garbage discharged by Residential Customers shall be shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in the Wastewater Facilities. Notwithstanding any provision herein, particles greater than one-half (1/2) inch in any dimension are specifically prohibited.

6.2. The Utility Manager shall review and approve the installation and operation of any grinder pump or grinder pump station.

Section 7. Storm Water and Other Unpolluted Drainage. No Person may Discharge to the Wastewater Facilities:

7.1. Unpolluted Storm Water, surface water, groundwater, roof runoff or subsurface drainage;

7.2. Unpolluted cooling water;

7.3. Industrial process waters;

7.4. Foundation drains

7.5 Sump pumps; or

7.6 Other unpolluted drainage.

Section 8. Temperature. No Person may Discharge liquid solid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Centigrade), or any substance which causes the temperature of the total Wastewater Treatment Plant influent to increase at a rate of ten (10) degrees Fahrenheit or more per hour, or cause an increase of Wastewater Treatment Plant influent temperature to one hundred ten (110) degrees Fahrenheit or higher.

Section 9. Radioactive Wastes. No Person may Discharge radioactive wastes or isotopes into the Wastewater Facilities without and in accordance with an Industrial Wastewater Discharge Permit.

Section 10. Impairment of Facilities.

10.1. Notwithstanding anything herein to the contrary, no Person may Discharge into the Wastewater Facilities any substance capable of causing:

- (i) Obstruction to the flow in the Wastewater Facilities;
- (ii) Interference with the operation of the Wastewater Facilities; or
- (iii) An Overload of the Wastewater Facilities.

10.2. Discharges prohibited by this subsection include, but are not limited to materials which exert or cause concentrations of:

- (i) Inert suspended solids greater than 250 mg/l including but not limited to:
 - (a) Fuller's earth;
 - (b) Lime slurries; and
 - (c) Lime residues,
- (ii) Dissolved solids greater than 1,600 mg/l including but not limited to:
 - (a) Sodium chloride; and
 - (b) Sodium sulfate,

- (iii) Excessive discoloration including but not limited to:
 - (a) Dye wastes; and
 - (b) Vegetable tanning solutions, or
- (iv) BOD₅, COD, or chlorine demand which may cause the Wastewater Treatment Plant to poorly or improperly operate.

10.3. No Person may Discharge into the Wastewater Facilities any substance that may:

- (i) Deposit grease or oil in the Wastewater Facilities in a manner as to clog or limit flow;
- (ii) Overload skimming and grease handling equipment in the Wastewater Facilities;
- (iii) Pass to the receiving waters without being effectively treated by normal Wastewater Treatment Plant processes due to the non-amenability of the substance to bacterial action; or
- (iv) Deleteriously effect the normal Wastewater Treatment Plant process due to excessive quantities.

10.4. No Person may Discharge any substance into the Wastewater Facilities which:

- (i) Is not amenable to treatment or reduction by the processes and facilities employed therein; or
- (ii) Is amenable to treatment only to a degree that the Wastewater Treatment Plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

10.5. The Utility Manager shall require the Customer to regulate the flow and concentration of slugs when they may:

- (i) Impair the normal Wastewater Treatment Plant process;
- (ii) Cause damage to the Wastewater Facilities;
- (iii) Incur treatment costs exceeding those for Normal Domestic Wastewater; or
- (iv) Render the sludge unfit for the District's normal disposal processes.

10.6. No Person may discharge into the Wastewater Facilities solid or viscous substances which may violate this subsection if present in sufficient quantity or size including but not limited to:

- (i) Ashes;

- (ii) Cinders;
- (iii) Sand;
- (iv) Mud;
- (v) Straw;
- (vi) Shavings;
- (vii) Metal
- (viii) Glass;
- (ix) Rags;
- (x) Feathers;
- (xi) Tar;
- (xii) Plastics;
- (xiii) Wood;
- (xiv) Unground garbage;
- (xv) Whole blood;
- (xvi) Paunch manure;
- (xvii) Hair and fleshings;
- (xviii) Entrails;
- (xix) Paper products;
- (xx) Slops;
- (xxi) Chemical residues;
- (xxii) Paint residues;
- (xxiii) Bulk solids; or
- (xxiv) Any other materials that could be deleterious to the system.

Section 11. Use of Wastewater Facilities. Unless exception is granted by the Utility Manager in writing, the Wastewater Facilities shall be used by all Persons Discharging Wastewater, Industrial Wastewater or polluted liquids.

Section 12. Verification of Discharges. The Utility Manager shall verify prior to Discharge that Wastes authorized to be Discharged will receive suitable treatment within the provisions of laws, regulations, ordinances, rules and orders of federal, state and local governments.

Section 13. Requirements for Pretreatment Costs. The Utility Manager shall require Pretreatment to an acceptable condition of all Industrial Wastewaters for Discharge to the Wastewater Facilities.

Pretreatment may include, but is not limited to, control by the Discharger of the quantities, quality and rates of Discharges. The District shall have the authority under these rules and regulations to determine the cost of handling and treating the waste and to assess these costs to the industrial discharger.

Section 14. Rejection of Wastes. The District may prohibit discharge of Wastes when it determines a Discharge or proposed Discharge is regulated under this Section and the discharger does not meet the requirements of this Section or is otherwise detrimental to collection, conveyance, or treatment of Wastewater by the District.

Section 15. Utility Manager Review and Approval.

- 15.1. If Pretreatment is required, the Utility Manager shall review and approve design and installation of equipment and processes providing Pretreatment. Such reviews and approvals shall be made to determine if the equipment should be capable of providing adequate pretreatment to allow Discharges to comply with the provisions of these rules and regulations, but should the pretreatment be subsequently found not to be adequate, the person whose Discharge requires Pretreatment shall be responsible to provide further or different processes or equipment adequate to provide compliance of the Discharge and the District shall have no obligations because of the review and approval.
- 15.2. The design and installation of equipment and processes must conform to all applicable statutes, codes, ordinances and other laws.
- 15.3. Any person responsible for Discharges requiring Pretreatment shall provide and maintain the Pretreatment facilities in effective operating condition at his own expense.

Section 16. Requirements for Removal Devices for Floating and Settleable Materials.

- 16.1. Grease Interceptors shall be installed by all Industrial Wastewater Disposers for all facilities generating wastewater containing fats, oils, and/or greases to prevent these materials from entering the Wastewater Facilities of the District.

- (i) Grease Interceptors are not required for private living quarters or dwellings unless District deems their discharges of fats, oils, and greases to be detrimental to the Wastewater Facilities of the District.
- (ii) Grease Interceptors shall be installed for all commercial and institutional food service facilities, automotive repair facilities, and all other facilities which may dispose of fats, oils, and greases. Grease Interceptors shall be installed for all commercial and retail developments which house or have the potential to house food service facilities; multiple businesses may utilize a single Grease Interceptor except where the design capacity of the Grease Interceptor installed may be exceeded.
- (iii) Grease Interceptors shall be designed with adequate capacity to remove fats, oils, and greases from the wastestream it is intended to receive; design calculations shall be submitted to the District's Engineer for review and approval. In no case, shall a Grease Interceptor with capacity of less than 1000 gallons be installed.
- (iv) Grease Interceptors shall be installed outside of buildings in locations accessible to the District for inspection.
- (v) Grease Interceptors shall be plumbed to receive only wastewater flow containing fats, oils, and greases; no wastewater containing human waste shall be connected to the Grease Interceptor.
- (vi) Grease Interceptors shall be of substantial construction suitable for direct burial in locations subject to vehicular traffic. Construction shall be of concrete or other suitable durable, corrosion-resistant, water-tight material. Easily accessible covers shall be provided to allow servicing and inspection while providing security; covers shall be positioned and sealed to prevent stormwater entry.
- (vii) Grease "traps" in these Rules and Regulations refer to smaller (<1000-gallon) removal devices generally installed within the food preparation areas of buildings. Grease traps, while not prohibited, shall not be acceptable for use alone to satisfy the fats, oil, and grease removal requirements of the District.
- (viii) Use of hot water, enzymes, chemicals, other agents or devices causing fats, oil, and grease to pass through the Grease Interceptor or otherwise enter the Wastewater Facilities of the District is prohibited.

16.2. Settleable Solids Removal Devices, including settling tanks, removal basins, screens, cyclonic separators, and other suitable devices shall be installed by all Industrial

Wastewater Disposers for all facilities generating sand, grit, dust, sawdust, chips, filings, slag, flash or other settleable material to prevent entry of these settleable materials into the Wastewater Facilities of the District. Such removal devices shall be designed with adequate capacity to remove settleable solids from the wastestream it is intended to receive; design calculations shall be submitted to the District's Engineer for review and approval.

- 16.3.** Grease Interceptors and Settleable Solids Removal Devices shall be operated and maintained by the owner or occupant of the facility at which these devices are installed.
- (i) Devices shall be maintained in continuously efficient operation at all times.
 - (ii) Captured material shall be removed from devices prior to the capacity of the devices being exceeded. Disposal of removed material shall be the responsibility of the owner or operator; disposal of captured material shall be in an approved and environmentally acceptable manner.
 - (iii) Grease Interceptors and settleable Solids Removal devices and records of their maintenance and servicings, including disposal of captured materials, shall be available at all times for inspection and review by the District.
- 16.4** The District may enforce the provisions outlined in Sections 16.1 through 16.3 above subject to the following provisions:
- (i) All other enforcement provisions of this Article shall apply to Section 16.
 - (ii) The District shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions set forth in this Article. The District 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 Wastewater Facilities for treatment.
 - (iii) While performing the necessary work on private properties referred to in Section (i) above, the District 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 District's employees and the District shall indemnify the company against loss or damage to its property by District 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.

- (iv) The District shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portions of the Wastewater Facilities lying within the easement. All entry and subsequent work, if any, on the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- (v) Any Persons found to be violating Sections 16.1 through 16.3 above shall be subject to a penalty to be determined by the District. This penalty shall be imposed beginning the billing cycle immediately following the violation.

Section 17. Special Requirements for Car Wash Facilities, Service Stations and Similar Installations. Car wash facilities, service stations, and similar installations such as gasoline dispensing facilities which furnish equipment or designated areas or provide or allow for maintenance of vehicles such as, but not limited to, oil changing, lubrication, mechanical repairs or washing cars shall provide drainage from those areas protected from the weather (excluding rainwater runoff) to be Discharged to the Wastewater Facilities. An appropriate pretreatment mechanism shall be supplied upstream of the Wastewater Facilities such that prohibited materials are not allowed to be discharged to the Wastewater Facilities.

Section 18. Special Requirements for Machine Shops Garages and Special Manufacturing Facilities. Drainage from the work area of machine shops or of any industry that manufactures, rebuilds or overhauls motors, engines, transmissions, hydraulic systems or similar machinery shall not be discharged to the wastewater facilities and shall be collected, isolated, and retained on site for proper legal disposal or recycling.

Section 19. Special Requirements for Steam Cleaning and Chemical Cleaning. Steam and/or chemical cleaning facilities shall not Discharge into the Wastewater Facilities unless a facility is provided that will consistently and constantly produce an effluent in compliance with these rules and regulations particularly in regard to grease, oils, organics and phosphates.

Section 20. Requirements for Building Laterals. Any person responsible for Discharges through a Building Lateral carrying Industrial Wastewaters shall, at his own expense and as required by the Utility Manager:

- 20.1. Install a readily accessible and safely located Control Manhole;
- 20.2. Install meters and other appurtenances to facilitate observation sampling and measurement of the waste under the Industrial Wastewater Discharge Permit; and
- 20.3. Maintain the equipment and facilities required.

Section 21. Sampling and Testing.

- 21.1. The Industrial Wastewater Discharger shall be required to conduct sampling and testing of its Discharges in accordance with a schedule incorporated in the Industrial Wastewater Discharge Permit with results reported to the Utility Manager. The Utility Manager shall also conduct periodic check sampling to confirm Discharger's sampling and testing program.
- 21.2. Sampling shall be conducted according to customarily accepted methods, reflecting compliance with these rules and regulations. Some sample collection may involve composite samples over time according to processes outlined in "Standard Methods for the Examination of Water and Wastewater", latest edition.
- 21.3. Examination and analyses of the characteristics of waters and Wastes required by these rules and regulations shall be:
 - (i) Conducted in accordance with the latest edition of "Standard Methods";
 - (ii) Determined from suitable samples taken at the Control Manhole provided or other Control Point authorized by the Utility Manager; and
 - (iii) Done in compliance with the Industrial Wastewater Discharge Permit.
- 21.4. BOD₅ and Suspended Solids shall be determined from composite sampling, except to detect unauthorized Discharges.
- 21.5. The Utility Manager may select an independent firm or laboratory to determine compliance with the Industrial Wastewater Discharge Permit.

21.6. The Utility Manager shall select the time of sampling at its sole discretion so long as at least annual samples are taken.

21.7 Persons making Discharges of Industrial Wastewater shall make available to the District all records of Waste disposal and pretreatment equipment maintenance.

Section 22. Accidental Discharge.

22.1. Each Industrial Customer shall provide protection from accidental Discharge of substances regulated by the District's rules and regulations. Facilities to prevent accidental Discharge shall be provided and maintained at the Industrial Customer's expense.

22.2. In the case of an accidental Discharge, it is the responsibility of the Industrial Customer to immediately telephone and notify the Utility Manager and all other appropriate agencies of the incident. The notification shall include:

- (i) Name of the company;
- (ii) Location of Discharge;
- (iii) Type of Waste Discharged;
- (iv) Concentration and volume of Waste Discharged; and
- (v) Corrective actions taken to minimize the impact of the Discharge to the Wastewater Facilities.

22.3. The Industrial Customer shall notify the Utility Manager if it is unable to comply with any requirement of the District's rules and regulations or its Industrial Wastewater Discharge Permit because of a breakdown of its treatment equipment, accidents caused by human error, or upsets. The notification shall include the information required above.

22.4. Within five (5) working days, unless extended by the Utility Manager in writing, the Industrial Customer shall submit to the Utility Manager a detailed written report describing the accidental Discharge including:

- (i) The cause of the accidental Discharge;
- (ii) The period of the accidental Discharge, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- (iii) Steps being taken and/or planned to reduce, eliminate or prevent recurrence of the accidental Discharge.

22.5. Notification shall not relieve the Industrial Customer of any expense, loss, damage or other liability that may be incurred as a result of damage to the Wastewater Facilities, fish kills, or any other damage to person or property; nor shall notification relieve the Industrial Customer of any fines, civil penalties, or other liability that may be imposed by applicable law.

22.6. A notice shall be permanently posted on the Industrial Customer's bulletin board or other prominent place advising affected employees whom to call in the event of a dangerous Discharge. Employers shall ensure all employees who may cause or suffer such a dangerous Discharge to occur are advised of the emergency notification procedure.

Section 23. Payment Required.

23.1. Persons making Discharges of Industrial Wastewater shall pay a charge to cover the cost of testing by Utility Manager, and collection and treatment of the Industrial Wastewater, and of determinations required for setting of the charges.

23.2. The Board shall be responsible for setting the general schedule of charges, which charges shall be due and payable within thirty (30) days of the billing date.

Section 24. Conditions of Permits. Every person proposing to initiate a Discharge of Industrial Wastewater into the Wastewater Facilities from and after the effective date of these rules and regulations shall obtain an Industrial Wastewater Discharge Permit prior to initiation of the Discharge. A person applying for a new initiation of the Discharge shall:

24.1. Submit an application at least ninety (90) days prior to initiation of the Discharge on the standard forms;

24.2 Secure approval by the Utility Manager of plans and specifications for pretreatment facilities required; and

- 24.3** Comply with all requirements for agreements or arrangements including, but not limited to, provisions for:
- (i) Payment of charges;
 - (ii) Installation and operation of Pretreatment facilities;
 - (iii) Sampling and analysis to determine quantity and quality of Discharged Waste; and
 - (iv) Provide a sampling point subject to the provisions of these rules and regulations and the approval of the Utility Manager.
- 24.4.** And shall secure an Industrial Wastewater Discharge Permit prior to Discharging any Industrial Wastewater.

Section 25. Permit Application. Persons required to obtain an Industrial Wastewater Discharge Permit shall complete and file an application with the Utility Manager on a standard form. The information requested may include the following items:

- 25.1.** Name(s), addressee(s), and location(s);
- 25.2.** The nature and concentration of any pollutants in the Discharge which are limited by the District, State or Federal Pretreatment Standard;
- 25.3.** Time and duration of contribution;
- 25.4.** Average daily and peak Wastewater flow rates, including daily, monthly and seasonal variations if any;
- 25.5.** Site plans, floor plans, mechanical and plumbing plans, and details to show all sanitary, storm or public sewers, sewer connections, and appurtenances by the size, location and elevation;
- 25.6.** Description of activities, facilities and plant processes on the premises including all materials which are, or could be, Discharged;
- 25.7** Each product by type, amount, processes and rate of production; process or type and amount of raw materials processed (average and maximum per day); provided,

however, that the disclosure of trade secrets in the disclosure of this information shall be provided only upon execution of a mutually acceptable non-disclosure agreement by the Utility Manager, and all information shall be provided specifically to and shall become the property of the Utility Manager under the non-disclosure agreement, and shall not become public information, unless ordered by a court of competent jurisdiction or the State Public Access Counselor;

- 25.8. Number and type of employees, and hours of operation of plant and, if required in accordance with other provisions herein, the hours of operation of the Pretreatment system; and
- 25.9. Any other relevant information as may be deemed by the Utility Manager to be necessary to evaluate the permit application.

Section 26. Permit Conditions. Industrial Wastewater Discharge Permits are issued by IDEM and shall be expressly subject to all provisions of these rules and regulations and all other applicable State and Federal regulations, as well as the user charges and fees established therefore. Permits may contain the following:

- 26.1. The unit charge or schedule of user charges and fees for the Wastewater to be Discharged to the Wastewater Facilities;
- 26.2. Limits on the average and maximum Wastewater constituents and characteristics;
- 26.3. Limits on average and maximum rate and time of Discharge or requirements for flow regulations and equalization;
- 26.4. Requirements for installation and maintenance of Discharge control equipment and inspection and sampling facilities, including technical data relative to location, slope, and capacity of piping used in the sampling facility or indirect Discharge point;
- 26.5. Specifications for monitoring programs which may include the number of sampling locations, frequency of sampling, number, types and standards for tests and reporting schedules;

- 26.6. Compliance schedule;
- 26.7. Requirements for submission of technical reports or Discharge reports;
- 26.8. Requirements for maintaining and retaining records relating to Wastewater Discharge as specified by the Industrial Wastewater Discharge Permit or these rules and regulations, and affording the Utility Manager access thereto;
- 26.9. Requirements for reporting the introduction of any new Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Wastewater Facilities;
- 26.10. Requirements for reporting Slug Discharges; and
- 26.11. Other conditions deemed appropriate by the Utility Manager.

Section 27. Permit Duration and Modification. Industrial Wastewater Discharge Permits shall be issued for a specified time period not to exceed five (5) years. The permit may be issued for any period less than five (5) years or may be stated to expire on a specific date. The terms and conditions of the permit are subject to modification by the District during the term of the permit as limitations or requirements as identified in these rules and regulations are modified or other just cause exists that warrants modifications. The user shall be informed of any proposed changes in his permit prior to the effective date of the proposed change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 28. Permit Transfer. Industrial Wastewater Discharge Permits are issued to a specific user for a specific operation at a specific location. Industrial Wastewater Discharge Permits shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior approval of the District.

Section 29. Notification of Violation. Whenever the Utility Manager finds any Person has violated this Article, or any condition of its Industrial Wastewater Discharge Permit, the Utility Manager may serve upon the Person a written notice stating the nature of the violation. Provided the violation does not represent an emergency, that Person shall, within fifteen (15) days of the date of the notice, submit a plan for the satisfactory correction of the violation to the Utility Manager. If a violation

represents a potential or actual emergency, the Person shall immediately upon receipt of notice cease all actions that may potentially create or continue the emergency, and shall submit a plan to the Utility Manager for the correction of the violation within five (5) days.

Section 30. Permit Revocation.

30.1. The District may revoke the Industrial Wastewater Discharge Permit of any Industrial Customer for any of the following:

- (i) Violation of any provision of the District's rules and regulations or any applicable state and/or federal law including regulations;
- (ii) Failure to timely file discharge reports;
- (iii) Failure to factually report wastewater characteristics;
- (iv) Refusal of reasonable access to the Industrial Customer's premises for the purpose of review of records, inspection or monitoring; or
- (v) Violation of any condition of the Industrial Wastewater Discharge Permit.

30.2. Except in cases of willfulness or those in which public health interest or safety required otherwise, the revocation, withdrawal or suspension of an Industrial Wastewater Discharge Permit shall occur only after the Industrial Customer has been given:

- (i) Notice by the Utility Manager, in writing, of the facts or conduct that may warrant the action; and
- (ii) Reasonable opportunity to demonstrate or achieve compliance with all lawful requirements.

ARTICLE VI

FEES, CHARGES AND OTHER PROVISIONS

Section 1. Applicability. The following fees, charges and other provisions shall apply as provided herein and as referenced in other applicable section(s) of these rules and regulations.

Section 2. Wastewater Service Rates.

- 2.1. The Board shall establish and from time to time amend as necessary, a base Service Charge from which all Wastewater billing rates shall be determined. The base Service Charge shall be composed of a single, monthly charge, which shall be multiplied by the multiplier for that Customer. The Service Charge shall be billed to all Customers obtaining Service from the District during a billing cycle.
- 2.2. The multiplier to the Service Charge to be used to establish rates for Service to single family residences shall be one (1) EDU.
- 2.3. The multiplier to the Service Charge to be used for Service other than to single family residences shall be equal to the number of EDUs assigned. Or, in case of a Service through a permanently installed sewer meter, the equivalent number of EDUs of Service actually utilized each billing cycle.
- 2.4. The Service Charge shall apply to all Customers within the District.

Section 3. Industrial Wastewater Discharge Fees.

- 3.1. It is the purpose of this Section to provide for the recovery of costs from users of the Wastewater Facilities for the implementation and continued operation of the Industrial Wastewater Discharge program.
- 3.2. The District has the right to establish surcharges if a Customer's waste strength exceeds that of normal domestic wastewater. Normal Domestic Wastewater strength shall be defined as 265 mg/L BOD₅, 300 mg/L TSS, and 30 mg/L total Nitrogen.

Section 4. Returned Checks.

- 4.1. A fee shall be adopted for all checks tendered for payments of District rates, fees, charges, deposits or any other billing of the District which are returned to the District unpaid.
- 4.2. Upon return, except as provided in Section 4.3 below, applicable standard lien procedures shall be initiated and, if payment is not made in full, carried out and completed.
- 4.3. With respect to checks tendered for permits that are returned unpaid, the District shall notify the responsible party of the return, and if the returned check is not redeemed in full within ten (10) days thereafter, the District shall withdraw all District permits and approvals previously issued to the responsible party, shall request issuance by Hendricks County of Stop Orders upon all work subject to District approval being carried out by the party, and shall pursue other civil and criminal remedies as may be deemed necessary and appropriate, which may include but is not limited to sewer service shutoff.
- 4.4. Returned checks may be redeemed by payment in full of the amount of the checks and all fees applicable, and shall be in the form of cash, cashier's check, or money order to the District made at the District's business office.

Section 5. Other Fees and Charges. The Board shall adopt and revise from time to time as deemed necessary the following fees and charges to be subject to the conditions provided herein.

5.1. Development-Related Fees.

- (i) Plan Review Fee, to be paid at the time of receipt of invoice for plan review time from the District.

5.2. Wastewater Facility Construction-Related Fees.

- (i) Application for Wasteload Allocation, to be paid at the time of filing of the application Wastewater Facility Construction Permit.
 - (a) Capacity Charge, paid in its entirety prior to issuance of a Wasteload Allocation.
 - (b) Interceptor Fee, paid in its entirety prior to issuance of a Wasteload Allocation.

- (ii) Permit Applicant shall be invoiced by the District for wastewater facility inspection on an hourly basis based on the fee in the rate ordinance. Fees shall be equal to the normal hourly charges of the District and Utility Manager's representatives attending multiplied by the number of hours attributable to that task.

5.3. Sanitary Lateral Construction-Related Fees.

- (i) Fees Applicable For All Building Construction that have not been previously paid under Section 5.2 above:
 - (a) Capacity Charge, paid in its entirety prior to issuance of a Wasteload Allocation.
 - (b) Interceptor Fee, paid in its entirety prior to issuance of a Wasteload Allocation.
- (ii) Fees Applicable When On-Site Sewers Are Not Being Constructed
 - (a) Sewer Connection Permit Fee, to be paid with the Application for Sewer Connection Permit.
 - (b) Building Lateral Inspection Fee, due at the time of Application for Sewer Connection Permit and prior to re-inspections.
- (iii) Fees Applicable When On-Site Sewers Are Being Constructed
 - (a) Sewer Lateral Connection Permit Fee, to be paid with the Application for On-Site Sewer Construction Permit.
 - (b) Lateral Inspection Fees, which are to be paid with the Application for On-Site Sewer Construction Permit application and an adjustment made prior to approval of the on-site sewer.
- (iv) Fees Applicable for Services utilizing Wastewater Facilities subject to a Capacity Reimbursement Agreement.
 - (a) Capacity Reimbursement Fee, to be paid prior to issuance of a Wasteload Allocation.

5.4. Miscellaneous Fees.

- (i) Security Device Replacement Fee, to be billed at the responsible party's best available address, and due and payable in full ten (10) days after mailing.
- (ii) Any other fees the Board deems necessary to continue proper operation and maintenance of the Wastewater Facilities.

Section 6. Liens.

- 6.1.** A lien may be filed on behalf of the District by the Utility Manager to collect any delinquent amount owing to the District. Such liens shall be filed according to the procedures as are available to the District under applicable law. Such lien may be created and enforced pursuant to Indiana Code 13-3-2-27 by certifying to the Hendricks County Auditor the amount owed to the District.
- 6.2.** The Utility Manager may, on behalf of the District, enforce the standard foreclosure provisions under Indiana Code 13-3-2-28 to collect a delinquent amount owing to the District.

Section 7. Repair of District Facilities. In the event that any of the Wastewater Facilities, or any other property owned or operated by the District, is harmed or damaged by an act or omission, or combination hereof, of any one or more persons or entities, the persons or entities shall be jointly and severally responsible for the immediate notification to the District of the harm or damage and for the repair, or the cost of the repair to be performed or provided, as the District may determine. If the harm or damage impairs, discontinues or harms, or threatens to impair, discontinue or harm, the Service provided by the District, each person or entity causing the harm or damage, or threat thereof, shall immediately take actions, as directed by the District, to make good all harm or damage, or the District, in its sole discretion, may make good all harm or damage and charge the costs thereof to the responsible party. In the event that the harm or damage, or threat thereof, does not impair, discontinue or harm, or threaten the impairment, discontinuance or harm to, the Service provided by the District, the same shall be rectified within no more than five (5) days by or at the expense of the persons or entities responsible, as determined and directed by the District. In the event the harm or damage is not made good within the five (5) day period, the District shall make good the harm or damage and charge the District's normal fees times 1.5, which fees, when billed, become due and payable within ten (10) days. The District may request Hendricks County to issue Stop Orders, initiate and fulfill if required standard lien procedures or take any other actions available under these rules and regulations, and shall pursue other civil and criminal remedies as may be deemed necessary to promote compliance with the provisions of this Section, and to obtain payment of any fees and charges billed hereunder.

Section 8. Willful False Statements, Bad Faith, or Unreasonable Delay. Any permit or authorization obtained from and issued by the District is subject to revocation by the District if the

same shall have been obtained in whole or in part through the willful making of false statements or bad faith by or on behalf of any person or entity obtaining or benefiting from same. Any permit or authorization further shall be subject to revocation by the District for unreasonable delay in the performance of the work permitted or authorized thereby. Determinations of factual grounds for the revocation shall be made by the Utility Manager. Revocation based upon bad faith or unreasonable delay shall be effective upon the expiration of ten (10) days after notice of same shall have been deposited in the United States mail, first class, postage prepaid, addressed to the holder of the permit or authorization. Revocation of any permit or authorization based upon the willful making of false statement shall be effective immediately upon personal delivery of the notice to the holder of the permit or authorization, or the agent or representative of the holder, or upon the expiration of two (2) days after the deposit of the notice in the United States mail, first class postage prepaid, addressed to the holder of the permit or authorization.

Section 9. Stop Orders

- 9.1. In the event that, in the professional judgment of the Utility Manager, any work or action to which the District's rules apply represents an imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant damage and/or interference with the Wastewater Facilities, or violations of the regulatory permit conditions of the Wastewater Facilities, the Utility Manager may immediately request Hendricks County or other appropriate governmental entity to issue a Stop Order. The Stop Order shall have the effect to stop all work to which the District's rules apply, excepting only work to rectify the infraction, until the infraction is rectified or arrangements acceptable to the District are made to rectify same, at which time the Stop Order shall terminate.
- 9.2. In the event that any work or action to which the District's rules and regulations apply is done in violation of the rules and regulations, excepting solely work that meets the conditions set forth in Subsection 9.1 above, or should any action occur which might have the effect of prohibiting the District from carrying out its inspection requirements, the District shall notify the person or entity of the fact by placing notice at the site of the infraction in a readily visible location, and thereafter the responsible person or entity shall have three (3) working days in which to rectify the infraction. Should the infraction not be remedied within the period, or an agreement reached with the District within the three (3) day period for the remedy of the infraction,

which agreement if fulfilled in full, the District, acting through its Utility Manager or other authorized employee or representative, shall request the issuance by Hendricks County or other appropriate governmental entity of a Stop Order at the site of the infraction in a readily visible location, and all work which could affect the District in any way thereupon, excepting only work to rectify the infraction, shall cease and desist until the infraction is rectified or arrangements acceptable to the District are made to rectify same, at which time the Stop Order shall terminate.

Section 10. Injunctive Relief. The District shall have the right to request to seek and obtain temporary restraining orders and temporary and permanent injunctions as shall be necessary to the enforcement of the Stop Order provisions of these rules and regulations; and, to the full extent permitted by applicable law in force at the time, all costs for preparation, filing, costs of suit, and all other costs, including reasonable attorney fees, associated with the injunctive relief, shall be paid to the District by the defendant or defendants in the proceeding before the injunctive relief may be dissolved.

Section 11. Authority to Enter Property.

- 11.1. The Utility Manager and duly authorized employees of the District bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing these rules and regulations subject to other legal restrictions related to the entry.
- 11.2. Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- 11.3. The Utility Manager and other duly authorized employees of the District bearing proper credentials and identification are entitled to enter all private properties through which the District holds an easement for the purposes of:
 - (i) Inspection, observation, measurement, sampling, or repair;
 - (ii) Maintenance of any portion of the Wastewater Facilities lying within the easements; and
 - (iii) Conducting any other District activity.

All activities shall be conducted in full accordance with the terms of the easement pertaining to the private property involved. No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries except to the extent that the processes have direct bearing on the kind and source of Discharge to the Wastewater Facilities.

Section 12. Disconnection of Service. Utility Manager may terminate Service and disconnect a Customer from the Wastewater Facilities when;

12.1. Acids or chemicals damaging to sewer lines or the Wastewater Treatment Plant processes are released to the Wastewater Facilities causing rapid deterioration of these structures or interfering with proper conveyance and treatment of Wastewater;

12.2. The effluent from the Wastewater Treatment Plant is no longer of a Quality permitted for Discharge to Watercourse, and it is found that the Customer is delivering Wastewater to the Wastewater Facilities that cannot be sufficiently treated or requires treatment that is not provided by the District as Normal Domestic Wastewater treatment and the Utility Manager believes the quality of the effluent could be brought into compliance if the Customer's Wastewater was not delivered into the Wastewater Facilities; or

12.3. The Customer:

- (i) Discharges Industrial Wastewater or Wastewater that is in violation of the Industrial Wastewater Discharge Permit;
- (ii) Discharges Wastewater at a rate and in sufficient quantity to cause an imbalance in the Wastewater Treatment Plant;
- (iii) Repeats a Discharge of prohibited Wastes to the Wastewater Facilities;
- (iv) Discharges Industrial Wastewater (or Waste that otherwise meets any of the criteria for regulation of an Industrial Wastewater under these rules and regulations) which would, in the professional judgment of the Utility Manager, cause imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant damage and/or interference with the Wastewater Facilities, or violations of the District's Wastewater Treatment Plant permit conditions; or

- (v) Becomes delinquent in bill payment as described in Article IV, Section 5 of these Rules and Regulations.

12.4. Disconnection Procedures.

- (i) In the event any cause for termination shall, in the professional judgment of the Utility Manager, represent an imminent, serious endangerment to the health or safety of any person, significant damage to the environment, significant damage and/or interference with the Wastewater Facilities, or violations of the regulatory permit conditions of the Wastewater Facilities, the Utility Manager may immediately disconnect and terminate Service. Such disconnection may occur in any manner reasonably appropriate as determined solely by the Utility Manager. Utility Manager shall make every reasonable attempt to contact the Customer, the Hendricks County Health Department, and any other persons directly affected by the disconnection of Service prior to or during the disconnection.
- (ii) In the event a cause for disconnection and termination does not represent a condition described above, the Utility Manager may conduct a standard disconnection procedure. The standard disconnection procedure shall be started by mailing written notice of the initiation of disconnection procedures to the Customer. The notice shall be on the District' standard form, shall state the date of the notice, the date on and after which Service is to be disconnected, the reason for the disconnection, the action or actions necessary to terminate the disconnection procedures, and a brief statement of the action necessary to institute the District's appeal procedures hereinafter provided, and shall be considered mailed and delivered when deposited in the United States mail, postage prepaid. A copy of this notice shall be mailed to the Hendricks County Health Department. The Utility Manager may, but shall not be required to provide additional notices of possible disconnections. If all causes for initiation of standard disconnection procedures have not been remedied, or an appeal undertaken in compliance with the District's rules and regulations prior to disconnection of Service, the Utility Manager may complete the disconnection procedures, and the Customer shall be deemed to have waived appeal for all purposes.

- 12.5.** The Utility Manager shall order reinstatement of any discontinued Service upon presentation to him by the user of written proof from a registered professional engineer or other written proof acceptable to the Utility Manager that the dangerous Discharge has been eliminated and that recurrence is not possible, or of acceptable rectification of any other problem.
- 12.6.** Costs incurred by the District in detecting, investigating, monitoring, measuring and eliminating the dangerous Discharge, along with any other applicable fees and charges of the District, shall be reimbursed to the District by the user(s) responsible for the dangerous Discharge. Any property damages to the Wastewater Facilities or its appurtenant structures resulting from the dangerous Discharge shall also be borne by the user(s) responsible for the dangerous Discharge.

Section 13. Legal Enforcement.

- 13.1.** In addition to any other provision contained in these rules and regulations, the District reserves the right at any time to seek legal and/or equitable remedies against any person or corporation allegedly violating these rules and regulations, the provisions of an Industrial Wastewater Discharge Permit, and/or Federal or State laws governing water quality and Industrial Wastewater Pretreatment. A legal proceeding prosecuted under these rules and regulations does not constitute a waiver by the District of any right the District may have to join in a legal action originating from some alternative source of law. The general counsel of the District, or otherwise named legal counsel for the District, may commence the actions for appropriate legal and/or equitable relief in courts having proper jurisdiction upon securing authorization from the Board of the District or other authorized officials to so proceed.
- 13.2.** Any user who is found guilty in a court of competent jurisdiction of violating these rules and regulations and/or an Industrial Wastewater Discharge Permit shall be assessed a fine or other legal or equitable sanctions as deemed appropriate by the court. Each day on which a violation shall occur or continue, and each violation, shall be deemed a separate and distinct actionable offense. In addition to these fines, penalties or sanctions, the District may seek recovery in a court of competent jurisdiction for any actual damages to Wastewater Facilities or equipment required to

operate, maintain and monitor the Wastewater Facilities. The District may also seek reasonable attorney fees, court costs, and other expenses of litigation along with all other relief, both in law and/or equity, to which it might be entitled. Additional recoveries and relief in law and/or equity by the District under existing Federal and State law are not precluded by specific recoveries obtained by the District under this Section.

Section 14. Liabilities and Authority of Inspectors. Whatever action is taken by any inspector to enforce the provisions of the District's rules and regulations, the action shall be in the name of, and on behalf of, the District, and the Inspector, in so acting, shall not render himself personally liable for any damage which may accrue to persons or property as a result of an action committed in good faith in the discharge of his duties, absent gross negligence or willful misconduct on the part of the inspector. Any suit brought against any inspector by reason of damage, absent gross negligence or willful misconduct, shall be defended by the District until final determination. The inspector shall have the right to enter any building or premises at any reasonable times in the conductance of his official duties, or for the purpose of making any inspection, re-inspection, or test required by the District's rules and regulations.

Section 15. Applicants' Liability, District's Liability. The provisions of these rules and regulations shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm, corporation, or other entity, erecting or owning any structure or constructing any facilities from liability for personal injuries or damage resulting from the acts or omissions of the person, firm, corporation or other legal entity, or the agents, employees, or workmen thereof, in the design, Construction, maintenance, repair, operation, or removal of any structure, facilities or plumbing in accordance with a permit or approval issued pursuant to the provisions or requirements of the District's rules and regulations, nor shall the provisions or requirements be construed as imposing any liability upon the District, its officers, employees, agents or representatives.

Section 16. Violations; Fines. Any person or entity violating any of the provisions of these rules and regulations, or taking any action contrary to the provisions of the District's rules and regulations, shall be guilty of an offense and shall be subject to a fine pursuant to the District's Rate Ordinance. Each day that a condition in violation of any of the District's rules and regulations is in existence shall constitute a separate offense.

Section 17. Appeals. Any person aggrieved by any determination or decision made by any employee or authorized agent or representative of the District, acting in the course and scope of his or her employment, agency or representation, under the provisions of the District's rules and regulations may appeal the decision first by giving written notice within ten (10) days of the decision or decisions appealed to the Utility Manager, then upon a decision by the Utility Manager after which the grievance still exists, by filing a written notice of appeal with the District no later than ten (10) days after the date notice of the determination or decision is given by the Utility Manager to the person entitled to receive same, which notice shall specify each determination and decision appealed. Thereafter, upon at least five (5) days written notice being given by the District, by depositing the notice in the United States mail, first class, postage prepaid, addressed to the person or entity filing notice of appeal at the latest address of the person or entity according to the District's records, the Board shall hear and determine the appeal in open meeting. At the hearing the Board shall review all information and data considered by the employee, agent or representative in making the decision appealed from, shall permit the aggrieved party to be heard if in attendance, and shall render its decision on the appeal based upon the information and data received at the hearing and the additional information and data as it may require. The Board may adjourn any hearing to a future time or times, and, upon conclusion of the hearing, shall enter its order either remanding the matter to the designated employee, agent or representative for further consideration, with or without instructions, or granting or denying the appeal in whole or in part. A decision of the Board shall be final to the extent it conclusively determines any matter in controversy. Pending final conclusion of a timely filed appeal of any decision or determination which would result in temporary or permanent termination of Service, no Customer shall be denied Service unless the Service was then temporarily or permanently discontinued as the result of a proceeding other than that appealed. In the event an appeal is not made as provided herein, appeal is considered to be waived for all purposes.

Section 18. Standard Forms. The Utility Manager shall have the authority to develop standard forms for the administration of the provisions of the District's rules and regulations. Such standard contracts and agreements as may be required to be signed or approved by the Board shall be approved as to standard form by the Board.

Section 19. Administration of Rules and Regulations. Except as specifically provided for otherwise, the Utility Manager shall have the authority and responsibility for the implementation, administration and enforcement of the District's rules and regulations and policies.

Section 20. Severability. Should any provision, section, sentence, clause, phrase or other portion of the District's rules and regulations or the application of same to any person or set of circumstances for any reason held to be unconstitutional, void, invalid, or for any reason unenforceable, the validity of the remaining portions of these rules and regulations or the application to other persons or sets of circumstances shall not be affected thereby.

WHEREAS, Hendricks County Regional Sewer District ("HCRSD") is organized under the laws of the State of Indiana and provides sewer utility service to certain areas in Hendricks County, Indiana; and

WHEREAS, the Regional Sewer Board has created these Rules and Regulations to govern the operation of the District.

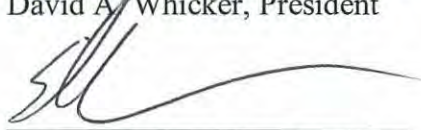
NOW, THEREFORE, BE IT RESOLVED, by the Hendricks County Regional Sewer Board, that these Rules and Regulations be adopted as written in this document.

IN WITNESS THEREOF, the Board of Directors of Hendricks County Regional Sewer District has approved these Rules and Regulations on this 22 day of December 2007

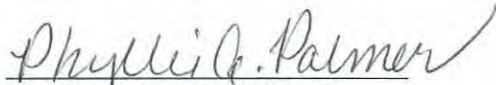
**HENDRICKS COUNTY REGIONAL SEWER DISTRICT
BOARD OF DIRECTORS**



David A. Whicker, President



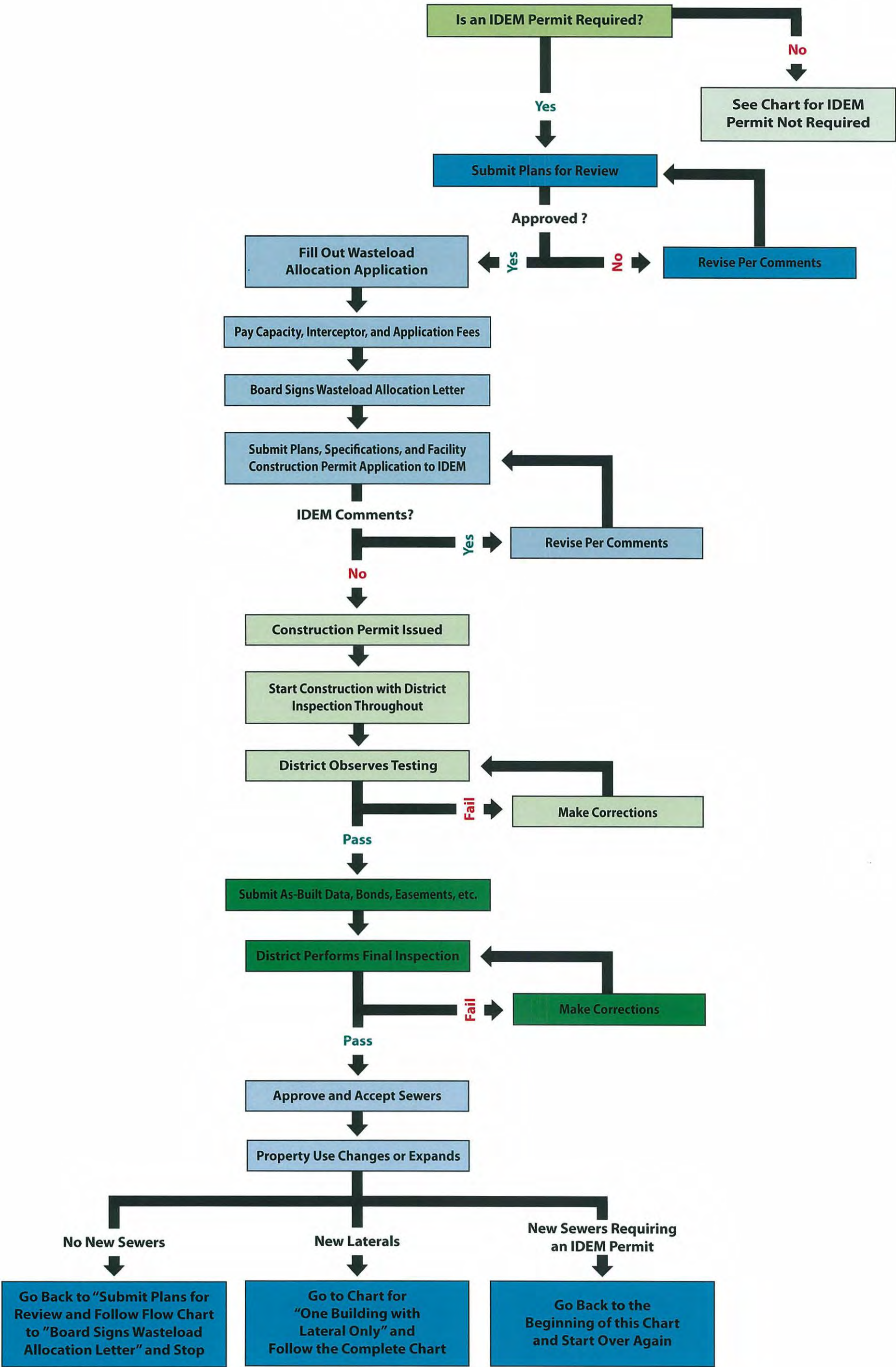
Eric L. Wathen, Vice President



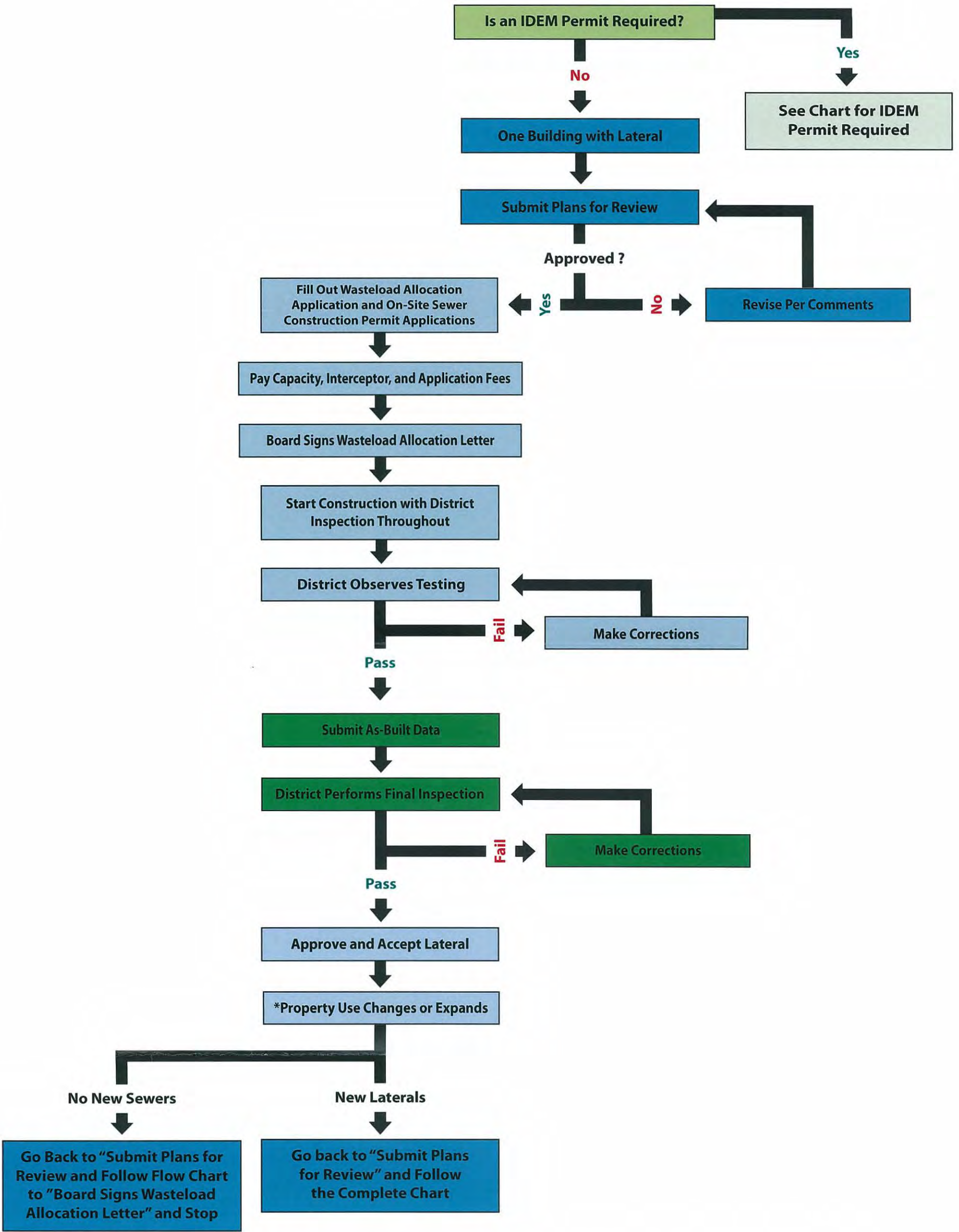
Phyllis A. Palmer Member

ATTEST: 
Judith Wyeth

ATTACHMENT 1
Process Flow Diagram—IDEM Permit Required



ATTACHMENT 2
Process Flow Diagram—IDEM Permit Not Required



***This chart assumes that if an IDEM permit was not required to start with, an option is not needed at the end for expanded property use with new sewers requiring an IDEM permit. If such a case occurs, Developer should go to the beginning of the "IDEM Permit Required" chart and follow it through to the end.**