

CHAPTER 50: GENERAL SEWER USAGE

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GENERAL PROVISIONS

50.01 DEFINITIONS

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

(a) "BACKFLOW PREVENTION DEVICE" – A piece of equipment installed on either the building drain or building sewer which helps protect the connected building from the main sewer backing up into the building due to cleaning or a blockage in the line.

(b) "BOARD" - The Board of Sanitary Commissioners of the city, or their authorized representative.

(c) "BUILDING DRAIN" -- That part of the lowest horizontal piping of a drainage system which receives the discharges from soil, waste, and other drainage pipes inside walls of the building and conveys it to the building sewer beginning five feet outside the building walls, exclusive of storm water.

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

(e) "BUILDING DRAIN - STORM" -- A building drain which conveys storm water or other clear water drainage, but no wastewater.

- (f) "BUILDING SEWER" -- That part of the horizontal piping of a drainage system which extends from the end of the building drain and which receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal.
- (g) "BUILDING SEWER - SANITARY" -- A building sewer which conveys sanitary or industrial sewage only.
- (h) "BUILDING SEWER - STORM" -- A building sewer which conveys storm water or other clear water drainage, but not sanitary or industrial sewage.
- (i) "COMBINED SEWER" -- The sewer intended to carry sanitary and industrial waste waters from residences, commercial buildings, industrial plants or institutions, and also to carry storm waters, surface runoff, street wash waters, and drainage.
- (j) "COMMERCIAL USER" -- Any person owning an establishment offering lodging, selling goods (either retail or wholesale), or offering services for sale and contributing an average monthly flow in excess of 10,000 gallons.
- (k) "DIRECTOR" -- The duly appointed and qualified Director of the Richmond Sanitary District or his authorized deputy, agent, or representative.
- (l) "DISTRICT ENGINEER" - The chief engineer of the Richmond Sanitary District or a duly authorized representative.
- (m) "DISTRICT" -- The Sanitary District of the City, acting by its duly-constituted Board of Sanitary Commissioners or their authorized representatives.
- (n) "DOMESTIC USER" -- All persons owning residential dwellings which discharge primarily domestic wastes or wastes from sanitary conveniences.
- (o) "DOMESTIC WASTE" -- Liquid wastes from the non-commercial preparation, cooking, and handling of food or containing human excrement and similar matter from the sanitary conveniences of dwellings, commercial buildings, industrial facilities, and institutions.
- (p) "EASEMENTS" -- An acquired legal right for the specific use of land owned by others.
- (q) "EFFLUENT" - The water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle, or outlet.
- (r) "FLOATABLE OIL" - Oil, fat, or grease in a physical state, such that will separate by gravity from wastewater by treatment in a pretreatment facility approved by the city.
- (s) "FATS, OILS, GREASE (FOG)" -- Any substance such as vegetable or animal products, that is used in or is a byproduct of the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change of temperature or other conditions.
- (t) "GARBAGE" - Those putrescible wastes resulting from the growing, handling, storage, preparation, cooking, and consumption of food.
- (u) "GROUND GARBAGE" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle to exceed 1/2 inch in size.
- (v) "INDUSTRIAL WASTES" - Any solid, liquid, or gaseous substance or form of energy

discharge, permitted to flow or escaping from an industrial, manufacturing, commercial, or business process or from the development, recovery, or processing of any natural resource.

(w) "INFILTRATION" - Any water other than wastewater that enters a sewage system from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, "inflow."

(x) "INFILTRATION / INFLOW" -- That total quantity of water from both infiltration and inflow without distinguishing the source.

(y) "INFLOW" -- Any water other than wastewater, that enters a sewage system from sources such as roof leaders, cellar drains, yard drains, area drains, foundation drains, drains from springs and swampy areas, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, "infiltration."

(z) "INFLUENT" - The water, together with any wastes that may be present, flowing into a drain, sewer, receptacle, or outlet.

(aa) "OTHER WASTES" -- Garbage, refuse, wood residues, sand, lime, cinders, ashes, offal, night soil, silt, oil, tar, dyestuffs, acids, chemicals, and all other substances, not sewage or industrial waste, which discharge would cause pollution or cause damage or blockage to sewers.

(bb) "PERSON" -- Any individual, partnership, co-partnership, firm, company, corporation, association, trust, estate, political subdivision, state agency, or any other legal entity or their legal representative, agent or assigns legally capable of owning property in the state.

(cc) "POLLUTANT" -- Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor). The term includes sewage, industrial waste, and other waste.

(dd) "PROHIBITED DISCHARGE STANDARDS" or " PROHIBITED DISCHARGES" -- Absolute prohibitions against the discharge of certain substances; these prohibitions appear in 50.45 through 50.49 of this Chapter.

(ee) "PUBLIC SEWER" -- A sewer in which all owners of abutting properties have equal rights, and is controlled by a public authority, or owned by the Sanitary District.

(ff) "POTW (PUBLICLY OWNED TREATMENT WORKS)" -- A treatment works as defined by Section 212 of the Clean Water Act which is owned by a state or municipality as defined by Section 502 (4) of the Act, includes any sewers that convey wastewater to such a treatment works, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

(gg) "QUALIFIED PROFESSIONAL" -- An individual who is trained and experienced in wastewater treatment, environmental compliance, or related fields as may be demonstrated by state registration, professional certification, experience, or completion of coursework that enables the individual to make sound, professional judgement regarding a facility's ability to comply with federal, state, and local wastewater rules and regulations.

(hh) "RECEIVING STREAM" - The water course, stream, or body of water receiving the waters finally discharged from the sewage treatment plant.

(ii) "RESIDENTIAL PROPERTY UNIT" - A building under one roof designed, arranged, and used primarily for dwelling purposes by a single family.

(jj) "SANITARY SEWAGE" - Sewage discharged from the sanitary conveniences of dwellings including apartment houses, hotels, and motels, office buildings, factories, or institutions and free from storm water, surface water, and industrial wastes.

(kk) "SANITARY SEWER" - A sewer which carries sewage and to which storm, surface, and ground waters and unpolluted industrial wastewater are not intentionally admitted.

(ll) "SEWAGE" - Water-carried human and related wastes from any source, together with associated land runoff, sanitary and industrial wastewaters, and polluted cooling water, from residences, commercial buildings, industrial plants, and institutions. The term includes sanitary sewage, industrial sewage, and combined sewage.

(mm) "SEWAGE TREATMENT PLANT" or "WASTEWATER TREATMENT PLANT" - The arrangement of devices, structures, and equipment used for treating and disposing of sewage and sludge.

(nn) "SEWAGE UTILITY" or "WATER POLLUTION CONTROL UTILITY" - All facilities for collecting, transporting, pumping, treating, and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.

(oo) "SEWER" - A pipe or conduit for carrying either wastewater or land runoff, or both.

(pp) "SEWER BACKFLOW" -- the undesired reversal of flow in a sanitary sewer water system.

(qq) "SHALL AND MAY" --

(1) "SHALL" -- is mandatory.

(2) "MAY" -- is permissive.

(rr) "STORM SEWER" -- A sewer intended to receive and convey only land runoff, ground water, or unpolluted water from any source and to which sanitary or industrial wastes are not intentionally admitted.

(ss) "SEWERAGE SYSTEM" - The network of sewers and appurtenances used for collecting, transporting, and pumping sewage to the sewage treatment plant.

(tt) "STANDARD METHODS" - The examination and analytical procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

(uu) "STRENGTH-OF-WASTES SURCHARGE" - The extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the sewage utility a burden greater than can be anticipated under normal conditions.

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

(ww) "USER" -- Any person or domestic or non-domestic source of discharge into a sanitary sewer.

(xx) "WASTEWATER" -- Treated or untreated liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any inflow and infiltration that may be present, which is discharged into or permitted to enter the POTW.

(yy) "WASTEWATER TREATMENT PLANT" or "TREATMENT PLANT" - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

(zz) "WATER COURSE" - A channel in which a flow of water occurs either continuously or intermittently.

50.02 STATUTES, BYLAWS, RULES AND REGULATIONS

This chapter is adopted pursuant to I.C. 36-9-25-1 et seq., as amended, and all other state statutes relating to sewers and sanitation departments and districts. The Board of Sanitary Commissioners shall have all powers conferred by state statute. The Board shall make and enforce whatever bylaws, rules, and regulations it may deem necessary for the safe, economical, and efficient management of the sewage utility, for the construction and use of building sewers and connections, to the sewerage system, for the regulation of the rates and subsequent collection of charges for any strength-of-waste surcharge in general, for the implementation of the provisions of this chapter.

50.03 ADDITIONAL CONNECTIONS NOT MANDATORY

No provision of this Chapter shall be interpreted to require the District to accept any additional connections if there is insufficient dry or wet weather capacity in any or all downstream sewers, lift stations, force mains and treatment plants, including the capacity of pollutants, to accommodate the waste load or flow rate expected to be generated as a result of the proposed development.

50.04 UNLAWFUL DEPOSITS

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

50.05 AMENDMENTS TO SEWER PROVISIONS

The Board shall have the right to recommend amendments to this chapter to the Common Council. The procedure for adoption of amendments by the Common Council shall be as authorized by law. Methods for determining rates and charges shall be established, fixed, and amended by the Board and the Common Council, pursuant to state statutes.

50.07 NOTICE

Any person found to be violating any provisions of this chapter shall be served with written notice stating the nature of the violations and provide a reasonable time limit for the satisfactory correction of the violation. The offender shall, within the period of time stated in the notice, permanently cease all violation or be subject to the provisions of this chapter.

POWER AND AUTHORITY OF INSPECTORS

50.10 PROPER CREDENTIALS OR IDENTIFICATION REQUIRED

Any person, Director, or other duly-authorized employee shall present proper credentials or identification before entering upon property of the User.

50.11 RIGHT OF ENTRY

(A) The Director or other duly authorized employee shall have the right to enter premises of any User to determine whether the User is complying with all requirements of this Chapter and any wastewater discharge permit or order issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purposes of inspection (e.g. lateral cameras), sampling, records examination and copying, and performance of any additional duties.

(1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purposes of performing specific responsibilities.

(2) The Director shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

(3) The Director may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director and shall not be replaced. The costs of clearing such access shall be born by the User.

(5) Unreasonable delays in allowing the Director access to the User's premises shall be a violation of this Chapter. An unreasonable delay shall be fifteen (15) minutes.

(B) If the Director has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the District designed to verify compliance with this Chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of a search warrant from any court of general jurisdiction within Wayne County, Indiana.

50.12 SAFETY STANDARDS

While performing the necessary work on private properties referred to in 54.11 the Director or other duly-authorized employees of 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 employees. The District shall indemnify the user 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 user and growing out of the inspection operation, except as such may be caused by negligence or failure of the user to maintain safe conditions.

50.13 ENTRY, WORK TO BE IN ACCORDANCE WITH EASEMENT

The Director and other duly-authorized employees of the District bearing proper credentials and identification 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 portion of the sewage works 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.

SEWER REGULATIONS

50.16 PRIVIES, VAULTS, SEPTIC TANKS, AND CESSPOOLS PROHIBITED

Except as herein provided, it shall be unlawful for any person to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended for the treatment of sewage or wastewater on any property within the Sanitary District.

50.17 PRIVATE SEWER SYSTEM TO COMPLY WITH STATE AND LOCAL REGULATIONS

The type, capacity, location, and layout of a private sewage treatment system shall comply with all requirements of the state, county or any agency or subdivision thereof. No septic tank or cesspool shall be permitted to discharge to any public sewer, ditch, or watercourse.

50.18 DISCHARGE OF WASTEWATER TO NATURAL OUTLETS

No person shall discharge or cause to be discharged to any natural outlet any wastewater or deleterious pollutants except where suitable treatment has been provided in accordance with provisions of Chapter 50, Chapter 54 or an NPDES permit.

50.19 CONNECTION TO PUBLIC SEWERS REQUIRED

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, located within the Sanitary District and abutting on any street, alley, or right-of-way in which there is located a public sewer or as a public sewer becomes available, is hereby required to connect the house, building, or property directly to the public sewer in accordance with the provisions of this Chapter within 90 days after the date of official notice to do so.

In the event the building drain of the house, building, or property is within 300 feet of a public sewer the owner shall be required to connect the building drain to the public sewer. The Director may make exceptions to this on a case by case basis and in accordance with state law.

In the event the house, building, or property is at a distance greater than 300 feet from the public sewer the owner may be required to connect at the discretion of the Board of Sanitary Commissioners, provided that the wastewater treatment facility shall have the capacity to treat the waste of the house, building, or parcel of real estate.

Private treatment systems shall be taken out of service in a manner approved by the District and the Wayne County Health Department.

50.20 PERMIT REQUIRED

It shall be unlawful for any person to uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Director.

(a) Permits shall be obtained from the office of the Sanitary District and shall be issued only to sewer tap contractors, with proper insurance. When a permit has been granted, the Director or their representative shall, when possible, designate the position or location of the appropriate "Y" branch.

50.21 CLASSES OF PERMITS; APPLICATIONS

There shall be two classes of building sewer permits: for single family residential, and for service other than single family residential. In either case, the owner or his agent shall make application on a special form furnished by the Sanitary District. The permit applications shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Director.

(a) Single Family Residential Sewer Tap Permit:

A fee of \$200, inspection costs included, shall be paid to the District at the time the application for a sewer tap permit for a single family residential building sewer is filed.

(b) Non-Single Family Residential Sewer Tap Permit:

A fee of \$400 shall be paid to the District at the time the application for a non- single family residential building sewer permit is filed, which fee shall include inspection costs.

(c) Performance bond

A performance bond in an amount equal to 100% of the cost of making the sewer tap, as determined by the Sanitary District in favor of the Sanitary District, may be required by the Director to be filed with the tap permit application by the owner or his agent.

50.22 COSTS TO BE BORNE BY OWNER

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner.

50.23 PERSONS QUALIFIED FOR SEWER TAP PERMIT

No sewer tap permit shall be issued to any person, firm, or corporation except any person licensed by the state as a certified plumber, or any competent person who qualifies by furnishing the Sanitary District satisfactory proof of their experience, equipment, and personnel.

50.24 CANCELLATION OF PERMIT FOR FAILURE TO COMPLY WITH NOTICE

Any person who shall neglect, or fail to correct any defect in the installation or connection of a building sewer within 30 days after notice by the Director to make the correction, shall cause cancellation of the sewer tap permit and all permits outstanding of the person, and the issuer of the bond shall be liable for all expenses or damages caused by neglect or failure to correct the defect.

50.25 APPROVAL REQUIRED FOR EXCAVATIONS

A permit for a building sewer and connection shall not be construed to be a permit or approval to do excavations in any public or private street, parkway, alley, sidewalk, terrace, or curb. Approval of any such excavation must be obtained from the City. No excavation will be started until all necessary permits have been obtained by the applicant.

50.26 SEPARATE BUILDING SEWER REQUIRED FOR EVERY BUILDING

A separate and independent building sewer shall be provided for every building. Exceptions may be allowed at the discretion of the Director.

50.27 OLD BUILDING SEWERS CONNECTED TO NEW BUILDINGS

An old building sewer, or portions thereof, may be used in connection with new buildings only when it is found, on examination and test supervised by the Director or his agent, to meet all requirements of this Chapter. The inspection and testing shall be at the sole expense of owner.

50.28 DESIGN OF SEWERS

All new sewers and laterals, whether public or private, shall be designed and built in accordance with Richmond Sanitary District Standards and be subject to the review and approval of the Director.

Sewers installed for dedication to the Richmond Sanitary District or City of Richmond shall be designed and built in accordance with Richmond Sanitary District Standards and be subject to the review and approval of the Director.

Sewer lines that are to be extended shall have the same hydraulic capacity and be constructed on the same grade line as the existing sewers unless the District determines that a reduction of capacity is justified. Sewers shall be sized with capacity for the contiguous service area which is defined as the undeveloped and/or unsewered land capable of a gravity connection to the proposed sanitary sewer.

50.29 SEWER EXTENSIONS

The District shall not be required to extend sewers to provide service for those properties not currently being served by a public sewer and lie within or outside of the District boundaries. It shall be the responsibility of the property owner(s) to extend a sewer, at their own cost and in accordance with District requirements, if they wish for an extension to take place. The District may elect to use a process (e.g. Contribution Agreements) to aid interested property owners in this process. The process and its details shall be as determined by the Director or the Board and in accordance with applicable state law. The District is in no way required to aid or contribute to sewer extension projects.

50.30 SIZE OF BUILDING SEWER

The size of the building sewer shall be subject to the approval of the Director, but in no event shall the diameter be less than six inches. The slope of the six-inch pipe shall not be less than 1/4 inch per foot. The minimum slope for larger size pipe shall not be less than 1/8 inch per foot.

50.31 ELEVATION; GRADE AND ALIGNMENT

The building sewer shall be brought to the building at an elevation below the basement floor. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at a uniform grade and in straight alignment insofar as possible. Changes in grade or alignment shall be made only at manholes or properly curved pipes and fittings, as approved by the Director.

50.32 LOW BUILDING DRAIN TO BE LIFTED

In the case of any building drain which is too low to permit gravity flow to the public sewer, sanitary sewage carried by the drain shall be lifted by approved methods and discharged into the building sewer. The method shall be approved by the Sanitary District.

50.33 EXCAVATIONS

All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Director. Pipe laying and backfill shall be performed in accordance

with District standards. No backfill shall be placed at the connection of the building sewer to the public sewer and at the connection of the building sewer and building drain until after work has been inspected and passed by the Director or his representatives.

No stone, brick, and so forth, shall be used in the backfill until a minimum depth of at least 18 inches of fine earth or gravel has been placed over the pipe. If blasting of rock is required in excavating, utmost precaution shall be used and suitable cover such as mats, timbers, brush, and so forth, shall be provided to cover the immediate blast area so that life and property in the vicinity will not be jeopardized.

50.34 CONNECTION OF BUILDING SEWER WITH PUBLIC SEWER

The connection of the building sewer into the public sewer shall be made at the "Y" branch designated for that property, if such a branch is available at a suitable location. If the public sewer is 12 inches in diameter or less and no properly located "Y" branch is available, the owner shall, at his expense, install a "Y" branch in the public sewer or make the connection of an approved type at a location approved by the Director. All connections shall be made in accordance with District Standards.

50.35 INSPECTION

The applicant for the building sewer shall notify the Director at least one working day in advance of the date the building sewer will be ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Director or his representative.

The applicant shall be required to perform and pass a low pressure air test on all newly installed laterals. The applicant shall be required to perform and pass a mandrel test on all newly installed sewers. The applicant shall also perform and pass a vacuum test on all newly installed manholes. These tests or others required by the District shall meet the standards and requirements of the Richmond Sanitary District.

Any tap not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until all provisions of this section have been complied with.

50.36 EXCAVATIONS TO BE GUARDED

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard.

50.37 MAINTENANCE

The building sewer from the building drain to the connection with the public sewer shall be maintained by the owner at no expense to the Sanitary District. The property owner shall be responsible for connection of the building sewer to the public sewer.

Private sewers, laterals and other private accessories shall be maintained by the property owner(s) to provide watertight joints. It shall be the responsibility of the owner(s) to make all necessary repairs or replaces as required to keep the sewer or lateral in working order and without excessive infiltration.

50.38 INSURANCE

Any person constructing a building sewer shall, on application for a permit to so construct the building sewer, agree to secure adequate insurance to hold harmless the city and the Sanitary

District from all damage, loss, or claims of any person whatsoever arising out of the construction of the building sewer.

50.39 CONNECTION OF BUILDING SEWER WITH PUBLIC SEWER TO CONFORM WITH DISTRICT REGULATIONS

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code and applicable District Standards. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Director before installation.

50.40 RESTORATION OF PUBLIC PROPERTY

Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Sanitary District, or the appropriate governing authority.

50.41 REQUIREMENTS FOR SEWER BACKFLOW PREVENTION DEVICES

To prevent sanitary sewer overflows or basement backups the Director may require owners or users to install Backflow Prevention Devices on their building sewer or building drain at their expense.

50.42 GREASE, OIL, AND SAND INTERCEPTORS

(a) Grease, oil, sand interceptors and separators, sand traps or retainers shall be provided when required by the Indiana Uniform Plumbing Code, District Standards or when in the opinion of the Director, they are necessary for the proper handling of liquid wastes containing grease, oils, or sand in excessive amounts, or any flammable wastes, or other harmful ingredients, except that the traps or retainers shall not be required for private living quarters or dwelling units. All traps shall be of a type and capacity according to the Indiana Uniform Plumbing Code, District Standards, and the Director and shall be located so as to be readily and easily accessible for cleaning and inspection.

(b) These devices shall be constructed of impervious material capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

(c) Where installed, these devices shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

PROHIBITED DISCHARGES AND ILLICIT CONNECTIONS AND ASSOCIATED REQUIREMENTS

50.45 CERTAIN WATERS PROHIBITED

No person shall discharge or cause to be discharged, or make a connection to discharge or cause to be discharged to any sanitary sewer, either directly or indirectly, stormwater, surface water, ground water, roof runoff, downspouts, swimming pools, subsurface drainage, noncontact cooling water, unpolluted industrial process water, or other unpolluted waters.

50.46 REMOVAL OF UNPOLLUTED WATERS FROM TREATMENT FACILITY

The District shall require the removal of unpolluted waters from any wastewater collection system or treatment facility. Property owners shall have 30 days after notice to comply with any such requirements. All costs for work required for compliance shall be borne by the owner.

50.47 CONNECTION OF FLOOR DRAIN OR PIT DRAIN PROHIBITED

(a) Except as provided in 50.42 and 50.48, no person shall connect any floor drain, pit drain, site drain, or any other drain subject to receiving oil, grease, or gasoline to any sewer either directly or indirectly.

(b) Any drain subject to receiving oil, grease, gasoline, other flammable substances, excessive solids, or sand in accordance with 50.42 and 50.48 shall connect only to a sanitary sewer unless specifically authorized by the Director.

50.48 GREASE TRAPS AND GREASE INTERCEPTORS

(a) A grease trap or grease interceptor meeting the specifications in accordance with the Indiana Uniform Plumbing Code and the District shall be installed in all food handling establishments. These establishments shall include restaurants, cafes, lunch counters, cafeterias, bars, clubs, hotels, hospitals, sanitariums, factories, churches, retirement homes, school kitchens or any other establishment where fats, oils or grease (FOG) may be introduced into the sanitary sewer, except that the traps or retainers shall not be required for private living quarters or dwelling units. In locations where grease traps or interceptors are required, at no time shall the fats, oils or grease, whether emulsified or not, be discharged at a concentration greater than 100mg/L nor may the discharge contain substances which may solidify or become viscous at temperatures between 32° F and 150° F.

(b) Traps and interceptors must be located so as to provide easy access for routine inspection, cleaning, repair and maintenance. All traps and interceptors shall be maintained by any person owning or controlling the property upon which a grease trap or interceptor is installed. The trap or interceptor shall be in continuously efficient operation at all times.

(c) The owner or operator of the trap or interceptor shall perform system maintenance as required to maintain minimum design capability or effective volume. This maintenance shall include the emptying of accumulated waste content. The owner or operator shall develop and carry out this maintenance at a minimum of every six months. This maintenance shall occur at a frequency shorter than every six months if it is needed to maintain minimum design capability or effective volume. Users shall:

- (1) Provide a minimum hydraulic retention time in accordance with engineering guidelines, District standards and plumbing code.
- (2) Remove accumulated sludge, grease, and organic material as required.
- (3) Remove inorganic solid materials such as grit, rocks, gravel, sand, eating utensils, cigarettes, towels, rags, etc. which could settle and thereby reduce the effective volume of the device.
- (4) Inspect grease traps or interceptors no less than once every month.
- (5) Maintenance and inspection records shall be kept and posted at the facility. These records shall be maintained for three (3) years and must be available for inspection on the premises.

(d) The District shall have the right to inspect the grease traps and interceptors along with the maintenance and inspection records of any facility who operates or maintains such devices.

These inspections may be done at regular intervals or anytime as deemed necessary by the Director.

(e) If the flow into an existing grease trap or interceptor is more than the design capacity of the device, the owner or operator shall install a device that has sufficient capacity according to Indiana Uniform Plumbing Code and District guidelines. It shall be the responsibility of the owner or operator to use an adequately sized device at all times.

50.49 OTHER PROHIBITED DISCHARGES

Except as provided by this Chapter or Chapter 54, no person shall discharge or cause to be discharged to a POTW, any of the following described apparatus, substance, wastes, pollutants or waters:

- (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21;
- (b) Pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
- (c) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
- (d) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (e) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (i) Any oils, greases, fats, acids, chemicals, iron or mineral wastes, ashes or cinders, garbage, dead animals, rags, hair, toxic material, or wastes which may cause clogging, or which may be injurious to the sewage utility, or interferes with the proper treatment of domestic sewage, or the operation and maintenance of the sewage treatment plant.
- (j) Any hot, suffocating, corrosive, inflammable, or explosive liquids, gases, acids, vaporous substances, or toxic material or liquid that can endanger life, limb, public property, or constitute a nuisance.
- (k) Any liquid or vapor having a temperature higher than 150°F.
- (l) Any waters containing suspended solids of such character and quantity that unusual provisions, attention, or expense is required to handle the materials at the sewage treatment plant.
- (m) Any noxious or malodorous gas or substance which either singly or by interaction with other wastes is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair.
- (n) Any substance in a concentration that may pose danger to human health or the environment.

50.50 LIABILITY FOR DAMAGE

If a person discharges or causes to be discharged a waste which causes interference, pass-through, obstruction, damage or increased maintenance of any sewer, lift station, treatment plant or other portion of the POTW, the person may be assessed a charge to cover the cost of the work required to clean or repair it. Additional fines or penalties may also be assessed in accordance with this chapter or other applicable chapters of Richmond Code.

CONNECTION TO OR EXTENSION OF SEWERS OUTSIDE CORPORATE LIMITS

50.53 AUTHORITY OF BOARD; COMPLIANCE WITH ORDINANCES AND STATE LAW

The installation, construction, or extension of interceptor sewers outside the corporate limits of the city, shall be governed solely by the Board of Sanitary Commissioners and any connection to the interceptor shall be subject to the provisions of 50.54 and I.C. 36-9-25-1 et seq.

(A) Any existing significant industrial user located beyond the District limits and discharging into the District sewer system shall submit a discharge permit application, in accordance with 50.54 below, within ninety (90) days of the effective date of this Chapter, or in the case a valid permit exists and does not violate any part of this Chapter, shall not have to re-apply until the permit expiration date. New significant industrial users located beyond the District limits shall submit such applications to the Director at least ninety (90) days prior to any proposed discharge into the POTW.

(B) Alternately, the Director may enter into an agreement with the neighboring jurisdiction in which the significant industrial user is located to provide for the implementation and enforcement of pretreatment program requirements against said industrial user.

50.54 PERMIT REQUIRED

Properties outside the territorial limits of the Sanitary District shall not be permitted connections to the sewage utility until a permit has been obtained from the Board of Sanitary Commissioners.

50.55 CONNECTIONS TO SEWER SYSTEM OUTSIDE THE TERRITORIAL LIMITS OF THE DISTRICT

No person, corporation, or entity owning any property outside the District shall connect to or permit to be connected any sewer or drain to the wastewater treatment system or the storm water drainage system owned by or operated by or existing in the City Sanitary District unless the person, corporation or entity owning the property outside the Sanitary District and desiring to connect to the wastewater treatment system of the Sanitary District shall enter into a contract with the District providing:

- (a) A connection charge
- (b) A user charge
- (c) Compliance with other provision of this chapter or chapter 54
- (d) Future annexation to the City if determined feasible

To the extent any User outside the limits of the District connects or discharges into the POTW, the District shall have the same authority to regulate such User, including any Industrial User, pursuant to the same provisions contained within this Chapter and Chapter 54.

ENFORCEMENT AND REMEDIES

50.58 ENFORCEMENT

Whenever the District finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the District may order compliance or take action through any of the following:

VTN - A Verbal Telephone Notice describes a response to a minor type of violation which is conveyed verbally to the user and no further follow up on the user's part is expected. A VTN is utilized when there is a very minor infraction.

EN – An E-mail Notice describes a documented response to a minor type violation which is conveyed via e-mail to the user. It is self-documenting and will be added to a user's records. An EN is equivalent to a VTN.

SV - A Site Visit is a visit to the user's property to discuss and observe the problem. This can be a substitution for VTN or NOV. The SV can also be made in conjunction with a NOV, indicating a reason for the noncompliance and what steps are being taken to eliminate any future violations of this nature. A Site Visit form needs to be filled out when this action is taken.

NOV - A Notice of Violation is written notice to a user or responsible party indicating the type of apparent violation. Such notice may require without limitation:

- (1) A written response
- (2) Compliance with this chapter
- (3) The elimination of illicit connections or discharges
- (4) That violating discharges, practices, or operations shall cease and desist
- (5) The abatement or remediation of pollution or contamination hazards and the restoration of any affected property
- (6) Payment of a fine to cover administrative and remediation costs; and
- (7) The implementation of source control or treatment best management practices.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

AO - An Administrative Order is issued to an User by the District or Director and contains necessary corrective measures that need to be carried out by a User to undertake or to cease specified activities by a specified deadline. An AO may contain one or more of the following: administrative fines, enforcement compliance schedules, directives for increased monitoring and/or reporting frequencies, or cease and desist orders. In addition, it specifies the name of the parties involved, statement of facts, the requirement to ensure compliance and the enforcement associated with any future non-compliance.

AF - Administrative Fines are monetary penalties assessed by the District

- (1) When the District finds that a person has violated, or continues to violate, any provision of this Chapter, the District may impose an administrative fine against such person in an amount not to exceed \$2,500.00 on a per violation, per day basis, plus any administrative or remediation costs.
- (2) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the person.

In order to establish a consistent basis for assessing monetary penalties against a user a schedule of common Administrative Fines may be as follows:

Connection of Unpolluted Waters (See 50.45) \$50 per connection (per day)
(e.g. Two (2) downspouts on the same property equal two (2) violations)
Un-maintained Grease Trap \$200 (per day)
No Grease Trap Inspection and Maintenance Logs Posted \$100 (per day)
Insufficient Grease Trap Inspection or Maintenance Logs \$100 (per day)
Prohibited Discharge (excluding unpolluted waters) \$100 (per day)

This schedule does not limit the Director or the District, at their discretion, from assessing Administrative Fines for any violation of this Chapter up to the maximum allowed amount of \$2,500.00 per violation per day. This may be done for reasons including, but not limited to, a user having habitual violations, showing evidence of negligence or intent to violate, failure to remedy the violation in a timely manner, or a major violation impacting the POTW.

50.59 APPEAL OF NOTICE OF VIOLATION

Any person receiving a Notice of Violation may appeal the determination of the District. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation. Hearing on the appeal before the Board of Sanitary Commissioners or their designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal, unless waived by both the District and the person appealing. The decision of the District shall be final.

50.60 ENFORCEMENT MEASURES AFTER APPEAL

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within ten (10) days of the decision of the municipal authority upholding the decision of the District, then representatives of the District shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above. Penalties shall include but are not necessarily limited to those found in this chapter.

50.61 COST OF ABATEMENT OF THE VIOLATION

Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within ten (10) days of the post marked notice informing the property owner of the cost of abatement. If the amount due is not paid within sixty (60) days of the post marked date on the notice, or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the District by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate as established by Indiana Law, which interest rate is currently eight percent (8%) per annum, shall be assessed on the balance beginning on the tenth (10th) day following the post marked date of the notice of cost of abatement.

50.62 INJUNCTIVE RELIEF

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of this Chapter, the District may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

50.63 VIOLATIONS DEEMED A PUBLIC NUISANCE

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

50.64 JUDICIAL ENFORCEMENT REMEDIES

(a) Injunctive Relief

When the District finds that a person has violated, or continues to violate, any provision of this Chapter, an NPDES permit, or order issued hereunder, or any other standard or requirement, the District may petition through any court of general jurisdiction within Wayne County, for the issuance of a temporary or permanent injunction. The District may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the person to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a person.

(b) Civil Penalties

In addition to the administrative fines available herein, a person who has violated, or continues to violate, any provision of this Chapter, or order issued hereunder, or any other standard or requirement shall also be liable to the District for a maximum civil penalty of \$2,500.00 per violation, per day. Penalties shall accrue for each day during the period of the violation.

(c) The District may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the District.

(d) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the person's violation, corrective actions by the person, the compliance history of the person, and any other factor as may be deemed appropriate.

(e) Filing a suit for civil penalties shall not be a bar against, or a prerequisite, for taking any other action against a person.

50.65 REMEDIES NOT EXCLUSIVE

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the District to seek cumulative remedies.

50.66 SEVERABILITY

The invalidity of any section, clause, sentence, or provision of this Chapter shall not affect the validity of any other part of this Chapter which can be given effect without the invalid part or parts.

50.67 COMPLIANCE WITH STATE OR FEDERAL REQUIREMENTS

All provisions of this Chapter and limits set herein shall comply with any applicable state or federal requirements now in effect or later enacted or amended.

50.68 TENANT RESPONSIBILITY

Where an owner of property leases premises to any other person as a tenant under any rental or lease agreement, if either the owner or the tenant is a user, either or both may be held responsible for compliance with the provisions of this Chapter.

50.69 TERMINATION OF DISCHARGE

In addition to any other provisions of this Chapter, any user who violates the conditions of this chapter is subject to discharge termination (sewer disconnection).

50.70 VIOLATOR TO PAY DAMAGES

In addition to the fines provided in this Chapter for a violation of this Chapter the District shall cause to be collected from the violator an amount equal to all damages as are sustained by the District as a result of the violation.

50.71 FALSIFYING INFORMATION

Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Chapter, shall be subject to administrative fine and other enforcement measures.

50.72 STATUTORY AUTHORITY

(a) This Chapter is adopted pursuant to I.C. 36-9-25-1 et seq., and all other statutes of the state, as amended, relating to sewers and sanitation departments and districts, and the Board of Sanitary Commissioners shall have the powers conferred by state law.

(b) The Board of Sanitary Commissioners shall, in accordance with state law, make and enforce whatever bylaws, rules, and regulations it may deem necessary for the safe, economical, and efficient management of the sewage utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation of the rates and subsequent collection of charges for any strength of waste surcharge, and in general for the implementation of the provisions of this Chapter.

50.73 EMERGENCY SUSPENSIONS

The Director may immediately suspend a User's discharge, after informal notice (e.g. over the telephone or in person) to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial, endangerment to the health or welfare of persons.

The Director may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge. In the event of a User's failure to immediately comply voluntarily with the suspension

order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment of any individuals. The Director may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless the termination proceedings in Section 50.69 of this Chapter are initiated against the User. In the event that the District severs or plugs the sewer to stop the discharge, the User shall bear the cost of the work done to stop the discharge along with all work necessary to repair the line to working conditions.