

ORDINANCE NO. 2023-03

**AN ORDINANCE TO AMEND THE SEWER RATES AND CHARGES
FOR THE TOWN OF NASHVILLE INDIANA**

WHEREAS, the Town has heretofore constructed and has in operation sewage works for the purpose of collecting and disposing of the sewage of the Town in a sanitary manner;

WHEREAS, the Town has found it necessary to increase the cost of sewage treatment due to increased expenses in maintenance, operation, and improvement of the sewage treatment works;

WHEREAS, the Notice of a Public Hearing was published in the Brown County Democrat on March 22, 2023 and;

WHEREAS, the Notice of the Public Hearing was mailed to all Nashville Sewage Utility Customers by the Nashville Municipal Utilities on April 3, 2023, and;

WHEREAS, Notice of Public Hearing and Proposed Ordinance 2023-03 was posted on the Town of Nashville Web-Site {www.townofnashville.org}, and the Nashville Town Hall and Nashville Sewage Utility Offices on March 22, 2023, and;

WHEREAS, the Public Hearing was held on April 6, 2023 at the Nashville Town Hall located in Nashville, Indiana;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, INDIANA, AS FOLLOWS:

Section 1. Definitions and Terms

Unless the context specifically indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

- a) "Council" shall mean the Town Council of Nashville, Indiana, or any duly authorized officials acting in its behalf.
- b) "CONTROL AUTHORITY ("CA")", as defined by 327 IAC 5-17-5, shall mean the Commissioner of the Indiana Department of Environmental Management ("IDEM") or, in the case of a POTW with an approved POTW pretreatment program, the POTW.
- c) "BOD" (or Biochemical Oxygen Demand) shall have the same meaning as defined in the Use Ordinance.
- d) "Town" shall mean the Town of Nashville, Indiana, acting by and through the Town Council.
- e) "Debt Service Costs" shall mean the average annual principal and interest payments on all outstanding revenue bonds or other long-term capital debt.
- f) "Excessive Strength Surcharge" shall mean an additional charge which is billed to users for treating sewage wastes with an average strength in excess of "normal domestic sewage".

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- g) "Industrial Wastes" shall mean the wastewater discharges from industrial, trade, or business processes as distinct from employee wastes or wastes from sanitary conveniences.
- h) "NPDES (National Pollutant Discharge Elimination System) Permit" shall have the same meaning as defined in the Sewer Use Ordinance.
- i) "Normal Domestic Sewage" (for the purpose of determining surcharges) shall mean wastewater or sewage having an average daily concentration as follows:

BOD not more than 250mg/l

SS not more than 240mg/l

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

- j) "Operation and Maintenance Costs" include all costs, direct and indirect, necessary to provide adequate wastewater collection, transport, and treatment on a continuing basis and produce discharges to receiving waters that conform to all related Federal, State, and Local requirements. (These costs include replacement.)
- k) "Other Service Charges" shall mean tap charges, connection charges, area charges, and other identifiable charges other than User Charges, debt service charges, and excessive strength surcharges.
- l) "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal, or private corporation, association, society, institution, enterprise, governmental agency, or other entity.
- m) "Replacement Costs" shall mean the expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the sewage works which were designed and constructed.
- n) "SS" (or suspended solids) shall have the same meaning as provided in the Sewer Use Ordinance.
- o) "Shall" is mandatory; "May" is permissive.
- p) "Sewage" shall have the same meaning as defined in the Sewer Use Ordinance.
- q) "Sewer Use Ordinance" shall mean a separate and companion enactment to this Ordinance, which regulates the connection to and the use of public and private sewers.
- r) "User Charge" shall mean a charge levied on users of the wastewater treatment works for the cost of operation and maintenance of such works pursuant to Section 204(b) of Public Law 92-500.
- s) "Users Class" shall mean a charge levied on users of the wastewater treatment customers by source, function, waste characteristics, and process or discharge similarities (i.e., residential, commercial, industrial, institutional, and governmental in the User Charge System).
- t) Users
 - i. Residential User shall mean a user of the treatment works whose premises or building is used primarily as a residence for one or more persons, including all dwelling units, etc.

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- ii. Commercial User shall mean any establishment involved in a commercial enterprise, business, or service which based on a determination by the Town discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - iii. Institutional User shall mean any establishment involved in a social, charitable, religious, and/or educational function which, based on a determination by the Town, discharges primarily segregated domestic wastes or wastes from sanitary conveniences.
 - iv. Governmental User shall mean any Federal, State, or Local governmental user of the wastewater treatment works.
 - v. Industrial User shall mean any manufacturing or processing facility that discharges industrial waste into a publicly owned treatment works.
- u) "Interference", as defined by 327 IAC 5-17-11, shall mean a discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW:

- i. Treatment processes or operations;
- ii. Sludge processes; or
- iii. Selected sludge use or disposal methods

The inhibition or disruption must:

- i. Cause, or in the opinion of the Town, cause a condition to cause a violation of a requirement of the POTW's NPDES permit; or
 - ii. Prevent the use of the POTW's sewage sludge or its sludge disposal method selected in compliance with the following statutory provisions, regulations, or permits issued thereunder or more stringent State or Local regulations:
 - i. Section 405 of the Clean Water Act (33 U.S.C. 1345).
 - ii. The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - 1. Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
 - 2. the rules contained in a State sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941).
 - iii. The Clean Air Act (42 U.S.C. 7401).
 - iv. The Toxic Substances Control Act (15 U.S.C. 2601).
- v) "Pretreatment", as defined by 327 IAC 5-17-18, shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, process changes, or by other means, except dilution, as prohibited by 327 IAC 5-18-4(f).
- w) "Pretreatment Requirements", as defined by 327 IAC 5-17-19, shall mean any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

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- x) "Pretreatment Standards", as defined by 327 IAC 5-17-21, means: (1) state pretreatment standards as established by 327 IAC 5-18-8; (2) pretreatment standards for prohibited discharges, as established by 327 IAC 5-18-2; and (3) national categorical pretreatment standards incorporated by reference in 327 IAC 5-2-1.5.
- y) "Publicly Owned Treatment Works ("POTW")", as defined by 327 IAC 5-1.5-48, shall mean a treatment works as defined by Section 212(2) of the Clean Water Act owned by the State or a municipality (as defined by Section 502(4) of the Clean Water Act), except that it does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. The term includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or compatible industrial wastes. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined by Section 502(4) of the Clean Water Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- z) "Significant Industrial User ("SIU")", is defined by 327 IAC 5-17-23 and shall mean the following:
- i. Industrial Users subject to categorical pretreatment standards under 327 IAC 5-2-1.5.
 - ii. An Industrial User that:
 - i. discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater) to the POTW;
 - ii. contributes a process waste stream that makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - iii. is designated as a Significant Industrial User by the Control Authority on the basis that the Industrial User has a reasonable potential to:
 1. adversely affect the POTW's operation; or
 2. violate a:
 - a. pretreatment standard; or
 - b. requirement of 327 IAC 5-19-3.
 - iv. The Control Authority may determine that an Industrial User subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N is a nonsignificant categorical Industrial User rather than a Significant Industrial User if the Industrial User never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater, excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard and the following conditions are met:

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1. The Industrial User, prior to the Control Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements.
 2. The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement.
 3. The Industrial User never discharges any untreated concentrated wastewater.
- v. Control Authority may:
1. on its own initiative; or
 2. in response to a petition received from an Industrial User or a POTW and in accordance with 327 IAC 5-19-3(6) determine that an Industrial User is not a Significant Industrial User if it does not meet subsection iv.3.

Section 2. Services

Every person whose premises are served by said sewage works shall be charged for the services provided. These charges are established for each user class, as defined, in order that the sewage works shall recover, from each user and user class, revenue which is proportional to its use of the treatment works in terms of volume and load. User charges are levied to defray the cost of operation and maintenance (including replacement) of the treatment works. User charges shall be uniform in magnitude within a user class. The various classes of users of the treatment works for the purposes of this Ordinance shall be as follows:

Class I	<u>Inside Town</u>	Class II	<u>Outside Town</u>
	Residential		Residential
	Commercial		Commercial
	Governmental		Governmental
	Institutional		Institutional
	Industrial		Industrial

All users shall comply with the categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471. In addition, all users shall comply with the State Pretreatment Standards codified in 327 IAC 5-16 through 327 IAC 5-21.

Section 3. Rates & Charges

For the use of and the services rendered by sewage works, rates and charges shall be collected from the owners of each and every lot, parcel of real estate, or building that is connected with the Town sanitary system or otherwise discharges sanitary sewage, industrial wastes, water or other liquids, either directly or indirectly, into the sanitary sewage system of the Town of Nashville. Such rates and charges include user charges, debt service charges, which rates and charges shall be payable as hereinafter provided and shall be in an amount determinable as follows:

- a) The sewage rates and charges shall be based on the quantity of water used on or in the property or premises subject to such rates and charges, as the same is measured by the water meter there in use, plus a base charge based on the size of the water meter

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installed, except as herein otherwise provided. For the purpose of billing and collecting the charges for sewer service, the water meters shall be read monthly, and the users shall be billed monthly (or period equaling a month). The water usage schedule on which the amount of said rates and charges are determined shall be as follows:

1) Consumption rate for all users shall be as follows:

a. ALL CLASS I (INSIDE) USERS:

<u>Consumption Per Month</u>	<u>Rate per 1,000 Gallons</u>
First 2,000 gallons per month	\$10.19
Next 4,000 gallons per month	\$10.56
Next 9,000 gallons per month	\$11.06
Next 15,000 gallons per month	\$11.68
Over 30,000 gallons per month	\$12.43

b. ALL CLASS II (OUTSIDE) USERS: (Inside Town Plus 35%)

<u>Consumption Per Month</u>	<u>Rate per 1,000 Gallons</u>
First 2,000 gallons per month	\$13.75
Next 4,000 gallons per month	\$14.25
Next 9,000 gallons per month	\$14.93
Next 15,000 gallons per month	\$15.77
Over 30,000 plus gallons per month	\$16.78

2) Base rate for all users shall be as follows:

<u>Meter Size</u>	<u>Monthly Base Rate</u>
5/8"-3/4" water meter	\$33.29
1" water meter	\$80.18
1 1/2" water meter	\$164.72
2" water meter	\$277.91
3" water meter	\$562.00
4" water meter	\$989.58
6" water meter	\$2,008.41

b) Sewage rates and charges being based on the quantity of water used and an organic loading equivalent to normal domestic sewage.

c) Such rates and charges shall be prepared, billed, and collected by the Town of Nashville in the manner provided by law and Ordinance.

i. The rates and charges for all users shall be prepared and used monthly.

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- ii. The rates and charges may be billed to the tenant or tenants occupying the properties served, if requested by the owner in writing, but such billing shall in no way relieve the owner from liability in the event that payment is not made as herein required. The owners of properties served, which are occupied by a tenant or tenants, shall have the right to examine the collection records from the Town for the purpose of determining whether bills have been paid by such tenant or tenants, provided that such examination shall be made at the office at which said records are kept and during the hours that the office is open for business.

- iii. All rates and charges not paid when due are hereby declared to be delinquent and a penalty of ten percent (10%) of the amount of rates or charges shall thereupon be added thereto per month. The time at which such rates or charges shall be paid is now fixed at seventeen (17) days after the date of mailing of the bill.

Unmetered Accounts

For users of the sewage works that are unmetered water users or accurate meter readings are not available, the monthly charge shall be determined by equivalent single family dwelling units, except as herein provided. Sewage service bills shall be rendered once each month (or period equaling a month). The schedule on which said rates and charges shall be determined as follows:

<u>Residential</u>	<u>Monthly Rate in Town</u>	<u>Monthly Rate Outside Town</u> (Inside Town Plus 40%)
Single Family Residence/unit	\$91.43	\$128.00

- a) Customers located outside the municipal corporate boundary may be entitled to petition the Indiana Regulatory Commission to review and adjust the rates and charges if said rates and charges are greater than 15% higher.

Pump Station Fee

All users with simplex pump stations maintained by the town and serviced by a 5/8" water meter service shall have a monthly fee of \$10.52 added to the monthly base rate.

Connection Fees

Administrative and Review Fee for all new connections is \$100.

Gravity Connection

Gravity sewer connection within twenty (20) feet of an existing gravity sewer: Four-inch (4") sewer tap, for single-family residences and small businesses serviced by a 5/8" water meter. The basic charge for these materials and the necessary labor shall be at the current market rate. See Town Administration for a current price list. Where a gravity connection requires work and or materials above the work and material contemplated above, there shall be an additional charge for

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the actual costs of labor, material, power, machinery, transportation and overhead for installing the connection.

Pressure Connection

Pressure sewer connection within twenty (20) feet of an existing sewer main: *Simplex* or equivalent pumping station for single-family residences and small businesses serviced by a 5/8" water meter. The basic charge for these materials and the necessary labor shall be at the current market rate. See Town Administration for a current price list. Where a pressure connection requires work and or materials above the work and material contemplated above, there shall be an additional charge for the actual costs of labor, material, power, machinery, transportation and overhead for installing the connection.

- a) In order to recover the cost of monitoring industrial wastes the Town shall charge the user the actual costs of monitoring. This charge will be reviewed on the same basis as all other rates and charges in this ordinance.
- b) Whenever an extension of a sewer service main requires work over and above that of a four (4) inch sewer tap, an additional review fee of \$190.00 shall be charged and is to be paid prior to beginning review. Whenever the review of sewer requires work and/or materials in excess of six (6) hours and/or \$190.00, then the review fee shall be based on time and materials used in performing the review.

Hauled Wastewater

In the event that hauled wastewater is discharged into the Town's sewage system, a charge of \$64.56 per 1,000 gallons shall be in force. A minimum charge of 1,000 gallons shall be charged for each occurrence. All industrial hauled wastewater is subject to a rate, which if authorized by the Town, will be established on a case by case basis determination.

Section 4. Hydraulic Quantity Determination

The quantity of water discharged into the sanitary sewer system and obtained from sources other than the utility that services the Town shall be determined by the Town in such a manner that the Town shall reasonably elect and the sewage services shall be billed at the above allowances in determining the sewage consumed, but which are also shown to the satisfaction of the Town that such quantities do not enter the sewage system.

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

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- b) In the event a lot, parcel of real estate, or building discharging sanitary sewage, industrial wastes, water or other liquids into the Town's sanitary sewer, either directly or indirectly, is a user of water supplied by the water utility serving the Town and in addition is a user of water from another source which is not measured by a water meter or is measured by a water meter not acceptable to the Town, then the amount of water used shall be otherwise measured or determined by the Town. In order to ascertain the rates or charges, the owner or otherwise interested parties shall, at their expense, install and maintain meters, weirs, volumetric measuring devices or any adequate and approved method of measurement acceptable to the Town for the determination of sewage discharge.
- c) In the event a lot, parcel or real estate, or building discharges sanitary sewage, industrial waste, water or other liquids into the Town sewer system, either directly or indirectly, and uses water in excess of 39,000 gallons per month and it can be shown to the satisfaction of the Town that a portion of the water as measured by the water meter or meters, does not and cannot enter the sanitary sewage system, then the owner or other interested party shall, at his expense, install and maintain meters, weirs, volumetric measuring devices, or any adequate and approved method of measurement acceptable to the Town for determination of sewage discharge.
- d) Where a metered water supply is used for fire protection as well as for other uses, the Town may, in its discretion, make adjustments in the user charge as may be equitable.

Section 5. Organic Quantity Determination

In order that the rates and charges may be justly and equitably adjusted to the services rendered to the users, the Town shall base its charges not only on the volume, but also the strength and character of the stronger-than-normal domestic sewage and shall require the user to determine the strength and content of all sewage and wastes discharged, either directly or indirectly into the sewer system, in such a manner and by such method as the Town may deem practicable in light of the conditions and attending circumstances of the case, in order to determine the proper charge. The user shall furnish a central sampling point available to the Town at all times.

Normal sewage domestic waste strength should not exceed a biochemical oxygen demand of 250 milligrams per liter of fluid or suspended solids in excess of 240 milligrams per liter of fluid.

- a) The determination of Suspended Solids and five-day Biochemical Oxygen Demand contained in the waste shall be in accordance with the latest copy of "Standard Methods for the Examination of Water, Sewer, and Industrial Health Association, the American Water Works Association, and the Water Pollution Control Federation, and in conformance with 'Guidelines Establishing Test Procedures for Analysis of Pollutants'", Regulations CFR Part 136, published in the Federal Register on October 16, 1973.
- b) The Town or Control Authority may impose mass limitations on dischargers which are using dilution to meet pretreatment standards or requirements of the Ordinance or in other cases where the imposition of mass limitations is deemed appropriate by the Town or Control Authority.

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Section 6. Prohibited Discharge Standards

The Town shall make and enforce such by-laws and regulations as may be deemed necessary for the safe, economical, and efficient management of the Town's sewage system, pumping stations and for the regulation, collection, rebating, and refunding of such rates and charges. No free service shall be provided to any user of the wastewater treatment facility.

No user shall introduce or cause to be introduced into the Town's sewage system any pollutant or wastewater that causes interference to quality or quantity of treatment. These general prohibitions apply to all users of the Town's sewage system whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.

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

The Town is hereby authorized to prohibit dumping of industrial and domestic materials that will damage the operation of sewage treatment works specifically residential lift stations. Prohibited items include but are not limited to: disposable diapers, baby and adult wipes, feminine hygiene products, facial tissues, lotions, scented or quilted toilet tissue, grease, oil, and solid waste, hazardous chemicals and explosives, toxic and radioactive materials or any item that does not dissolve readily in an onsite treatment system.

No user shall introduce or cause to be introduced into the Town's sewage system the following pollutants, substances or wastewater:

1. Pollutants which create a fire or explosive hazard in the Town's sewage system including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 260.21;
2. Wastewater having a pH less than 6.0 or greater than 10.0 s.u., or otherwise causing corrosive structural damage to the Town's sewage system;
3. Solids or viscous substances in amounts which will cause obstruction of the flow in the Town's sewage system resulting in interference but in no case solids greater than three-quarter inch in diameter;
4. Pollutants, including oxygen-demanding pollutants (BOD, cBOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the Town's sewage system;
5. Wastewater having a temperature greater than 140 degrees F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction point into the treatment plant to exceed 104 degrees F (40 degrees C);

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6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that may cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors or fumes within the Town's sewage system in a quantity that may cause acute worker health and safety problems;
8. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
9. Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Town's NPDES permit;
10. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations;
11. Stormwater: rain water, surface water, ground water, artesian well water, roof run-off, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Town;
12. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the Town;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail its NPDES toxicity test;
15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the Town's Sewage System;
16. Wastewater which causes readings on an explosion hazard meter at the point of discharge into the Town's sewage system of more than 10 percent of the Lower Explosive Limit of the meter;
17. Materials causing, alone or in conjunction with other materials normally in the sewer system, an obstruction to the flow in the sewer line or system or injury to the sewer system or cause a nuisance or prevention of effective maintenance or operation of the sewer; or
18. Fats, oils or grease of animal or vegetable origin in concentrations greater than 100 mg/l, unless a more stringent concentration limit is required by another federal, state or local authority.

Section 7. National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated by reference.

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1. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Town, through the designated pretreatment coordinator, may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(e).
2. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Town, through the designated pretreatment coordinator, may impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
3. A user may obtain a variance from a categorical pretreatment standard if the user establishes to the Town's satisfaction, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
4. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

Section 8. State Pretreatment Standards

The state of Indiana's pretreatment standards are hereby incorporated as codified in 327 IAC 5-16 through 327 IAC 5-21.

Section 9. Dilution

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement.

Section 10. Pretreatment Facilities

Industrial users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in **Section 6** within the time limitations specified by EPA, the state, or the Town, whichever is more stringent. Any facilities appropriate for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to IDEM and the Town for review. Any such facilities shall be reviewed and approved by IDEM and the Town before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Town under the provisions of this section.

Whenever deemed appropriate, the Town may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be appropriate to protect the POTW and determine the user's compliance with the requirements of this article.

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The Town may require any person discharging into the POTW to install and maintain, on their property, and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An industrial wastewater discharge permit may be issued solely for flow equalization.

Grease, oil, and sand interceptors, or FOG devices, shall be installed and maintained by the user or property owner when, in the opinion of the Town, they are appropriate for the proper handling of wastewater that contains or could contain FOG, grease, oil, or sand. It is not anticipated that such interceptors will be required for residential users, unless deemed necessary or appropriate on a case-by-case basis by the Town. All interceptor units shall be of type and capacity approved by the Town or other authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be installed, inspected, cleaned, and repaired regularly, as needed or directed by the Town or other local authority, by the user at their expense.

Users with the potential to discharge flammable substances may be required to install and maintain an OSHA approved gas detection meter.

Sample Manhole Requirements

1. When required and deemed appropriate by the Town, the owner of any property serviced by the Town's sewer system shall install a suitable control manhole together with such necessary or appropriate meters and other appurtenances in the sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be easily accessible and safely located, and shall be maintained by the owner so as to be safe and accessible at all times. The sample manhole shall be inspected and approved by the Town.
2. The sample manhole shall be constructed to the satisfaction of the Town.
3. Representatives of the Town, I.D.E.M., and the U.S. Environmental Protection Agency shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing at all times.

Section 11. Hauled Wastewater

1. Septic tank waste may be introduced into the Town's sewage system only with the written permission of the Town at their sole discretion, and only at locations designated by the Town, and at such times as are established by the Town. Such waste shall not violate Section 6 of this Ordinance, or any other requirements established by the Town. The Town may require septic tank waste haulers to obtain individual wastewater discharge permits.
2. The Town may require haulers of industrial waste to obtain individual wastewater discharge permits. The Town may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Town also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
3. Industrial waste haulers may discharge loads only at locations designated by the Town. No load may be discharged without prior written consent of the Town. The Town may collect samples of each hauled load to ensure compliance with applicable Standards. The Town

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may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
5. Any fees for the discharge of industrial waste or septic tank waste into the POTW will be charged rates as provided for in Town Ordinances, and the Town may further require the reimbursement of any additional costs incurred by the Town in accepting such discharge.

Section 12. Validity

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

Section 13. Special Rate Contracts

The Town Council is hereby further authorized to enter into contracts that assess special charges with customers of the sewage works where clearly definable costs to the sewage works can be determined, as such special rates shall be based on such costs.

Section 14. Enforcement Remedies

Enforcement remedies include but are not limited to, the remedies set forth below.

No enforcement remedy is a prerequisite or a bar to any other remedy, and the enforcement mechanism shall be at the discretion of the Town.

The enforcement remedy does not relieve the user of liability for any violation occurring before or after the implementation of any respective enforcement remedy.

The enforcement remedies also do not create any rights in the user or any third party.

1. Verbal or Written Warning - The Town may provide warnings in writing, by telephone, and/or during site visits to the respective property.
2. Notice of violation – When the Town determines that a user has violated, or continues to violate, any provision of the Ordinance, the Town may serve upon the user a written notice of violation (NOV). The NOV may require, among other things, an explanation from the user of the violation, and plan for the satisfactory correction and prevention thereof, including specific required action, to be submitted by the user to the Town under a timeline determined by the Town. The NOV may also require the user to perform corrective actions under the terms and within the timeline determined by the Town.
3. Cease and Desist Orders – When the Town determines that a user has violated or continues to violate any provision of this Ordinance, the Town may issue a CEASE and

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DESIST ORDER to the user directing it to Cease & Desist all such violations and directing the user to immediately comply with all requirements and/or take such appropriate remedial or preventive actions as may be needed to properly address a continued or threatened violation, including halting operations and/or terminating the discharge.

4. Administrative fines – In addition to the rates, charges, and fees established by applicable law including Town Ordinance, a user who has violated, or continues to violate, any provision of this Ordinance shall be to the greatest extent possible under applicable law, including Town Ordinances available to the Town for an administrative fine and/or civil penalty of not more than \$5,000 per violation per day. In the case of a monthly or other long term average discharge limit, the penalty shall accrue each day for the period of the violation, costs, expense, and damages. In addition to the rates, charges and fees established by applicable law including Town Ordinance, a user who has violated or continues to violate any provision of the Ordinance shall be to the greatest extent possible, under applicable law, including Town Ordinance, liable to the Town for all costs and expenses incurred by the Town as a result of such violation, including but not limited to any cost protecting the wastewater system or operation, remedying the violation, clean-up, repairs and replacement, sampling & monitoring expenses, any costs of damage incurred by the Town including engineering fees and legal fees.
5. Litigation – When the Town determines that a user has violated or continues to violate, any provision of this Ordinance, the Town may petition a court of competent jurisdiction through the Town Attorney for the issuance of a temporary or permanent injunction which restrains or compels a specific performance of requirements imposed by this Ordinance on activities of the user. The Town may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. To the greatest extent permitted by law, the Town shall be entitled to collect court costs and attorney fees incurred in any enforcement litigation.
6. Supplemental enforcement actions - anyone who has violated, or continues to violate any provision of this Ordinance, may be subject to criminal penalties, including the Indiana Department of Environmental Management or the US Environmental Protection Agency Region 5.

These remedies provided in this Ordinance are not exclusive.

The Town of Nashville may take any, all, or any combination of actions against a non-compliant user permitted by applicable law, the Town is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

Section 15. Appeals

- A. Appeals of the Towns enforcement actions shall be taken to the Nashville Town Council within thirty days by providing the following:
 - (1) the name, address and telephone number of the entity appealing;

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- (2) the date of the NOV, a copy of the NOV;
- (3) a brief statement of the reason for the appeal; and
- (4) whether a hearing on the appeal is requested.

B. The Nashville Town Council may decide the appeal on the basis of the NOV and any documentation provided by the defendant, as well as any written documentation provided by the Wastewater Operator for the Town of Nashville.

C. Decisions by the Nashville Town Council shall be final unless appealed pursuant to I.C. 4-21.5-5-1 within 30 days of the decision.

Section 16. Conflicts

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

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

Section 17. Effective Dates

The rates and charges as herein set forth shall become effective during the May 2023 billing period.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect from and after its passage and approval by the Town Council for the Town of Nashville.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF NASHVILLE, BROWN COUNTY, INDIANA, THIS 6th DAY OF APRIL, 2023.

ATTEST:

Brenda K. Young
 Brenda K. Young
 Clerk-Treasurer

Jane Gore yea nay abstain
 Council President Jane Gore

Tyra Miller yea nay abstain
 Council Vice-President Tyra Miller

Anna Hofstetter yea nay abstain
 Council Member Anna Hofstetter

Dave Rudd yea nay abstain
 Council Member Dave Rudd

Wanda E. Jones
 Wanda E. Jones
 Town Attorney

_____ yea nay abstain
 Council Member Andi Wilson