

**RESOLUTION OF THE BOARD OF PUBLIC WORKS
OF THE CITY OF FORT WAYNE, INDIANA APPROVING
AMENDEMENTS TO THE FORT WAYNE WATER POLLUTION CONTROL UTILITY
GENERAL RULES AND REGULATIONS**

Resolution No. # 109-1-11-22-1

WHEREAS, the City of Fort Wayne, Indiana (“City”) owns and operates a municipal sewage works (the “Fort Wayne Water Pollution Control Utility”) in accordance with I.C. § 36-9-23 *et seq.*

WHEREAS, the Fort Wayne Water Pollution Control Utility has promulgated general rules and regulations (“Rules and Regulations”) to govern the operation of the Fort Wayne Water Pollution Control Utility, which Rules and Regulations are approved by the Fort Wayne Board of Public Works; and

WHEREAS, the Rules and Regulations were originally promulgated in 2002, and, since that time, there have been several changes in the sewage industry and the manner by which the Fort Wayne Water Pollution Control Utility conducts its business; and

WHEREAS, the Fort Wayne Water Pollution Control Utility has evaluated the extent to which the original Rules and Regulations reflect the Fort Wayne Water Pollution Control Utility’s current priorities and objectives; and

WHEREAS, the Fort Wayne Water Pollution Control Utility has drafted amendments to the Rules and Regulations to better reflect the Fort Wayne Water Pollution Control Utility’s vision and mission; and

WHEREAS, the Board of Public Works finds that the Amended Rules and Regulations attached hereto are in the best interest of the Fort Wayne Water Pollution Control Utility and the City as a whole and should be approved.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF PUBLIC WORKS OF THE CITY OF FORT WAYNE AS FOLLOWS:

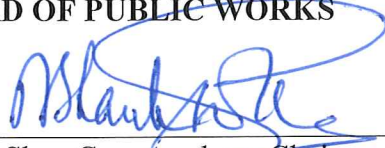
SECTION 1. That the Amended Fort Wayne Water Pollution Control Utility Regulations attached hereto are approved.

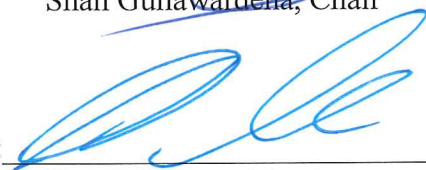
SECTION 2. That the Amended Rules and Regulations shall be effective upon passage of this resolution and publication on the Fort Wayne City Utilities website.

SECTION 3. Any and all actions taken in furtherance of the foregoing resolution are hereby ratified, and confirmed, and approved in all respects.

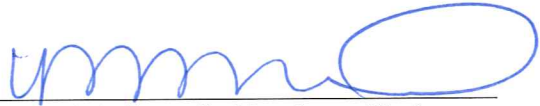
APPROVED THIS 11th DAY OF JANUARY, 2022.

BOARD OF PUBLIC WORKS

BY: 
Shan Gunawardena, Chair

BY: 
Kumar Menon, Member

BY: 
Chris Guerrero, Member

ATTEST: 
Michelle Fulk-Vondran, Clerk

**Fort Wayne Water Pollution Control Utility
(Wastewater Utility)**



General Rules and Regulations

**Adopted and Approved by
The Board of Public Works**

**Effective May 15, 2002
As Amended February 1, 2012
As Amended December 4, 2013
As Amended March 13, 2018
As Amended May 1, 2018
As Amended December 11, 2018
As Amended January 11, 2022**

**FORT WAYNE WATER POLLUTION CONTROL UTILITY
(WASTEWATER UTILITY)**

FORT WAYNE, INDIANA

GENERAL RULES AND REGULATIONS

**AS AMENDED FEBRUARY 1, 2012, DECEMBER 4, 2013, MARCH 13, 2018,
MAY 1, 2018, DECEMBER 11, 2018, and JANUARY 11, 2022**

In accordance with the statutes and rules of the State of Indiana and Chapter 51 of the Fort Wayne Code of Ordinances, as most recently amended, the Board of Public Works has established the following General Rules and Regulations (referred to herein as “these Rules”) for the safe, economical and efficient management and proper operation of the City's Water Pollution Control Utility; for the construction and use of sewers, building sewers, appurtenances, and connections to the collection system; for the regulation, collection, and refunding of rates and charges for sewer service; and for the implementation of the provisions of Chapter 51 of the Fort Wayne Code of Ordinances.

1. DEFINITIONS

Words and terms used in these Rules shall have meanings as defined in Chapter 51 of the Fort Wayne Code of Ordinances, as most recently amended, or as defined in this Section 1, unless clearly not appropriate to the context in which a word or term is used. In any case in which a conflict exists between the definition of a word or term contained in Chapter 51 and a definition of such word or term contained in this Section 1, the definition given in Chapter 51 shall prevail. For the purposes of these Rules, words and terms not otherwise defined in Chapter 51 or in this Section 1 shall have their usual and ordinary meanings.

"Shall" means mandatory; **"may"** means permissible.

Pursuant to 40 CFR 403.3, the following definitions are adopted.

"ACT" – The Federal Water Pollution Control Act, also known as "The Clean Water Act," as amended, 33 U.S.C. 1251, *et seq.*, as amended.

"APPLICABLE PRETREATMENT STANDARDS" – All pretreatment limits, pretreatment and prohibitive standards (federal, state and/or local) contained in Chapter 51 of the Fort Wayne Code of Ordinances or these Rules that apply to a particular industrial user or other non-domestic user. Where more than one pretreatment limit, pretreatment standard or prohibitive standard are applicable to a particular user, the user shall comply with all such limits and standards.

“AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE USER”

- a. If the User is a corporation:

1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
3. If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
4. If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
5. The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

“AVAILABLE” – A sewer is considered to be available for use by a property if it is abutting that property or is located within the public right-of-way or an easement adjacent to the property, has capacity available, and is of a nature intended to collect sewage from individual properties.

“BEST MANAGEMENT PRACTICES” (BMP’s) – as it pertains to Industrial Pretreatment, this term includes schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403. BMP’s include treatment requirements, operating procedures, and practices to control plant runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMP’s also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

“BOARD OF WORKS” – The Board of Public Works of the City of Fort Wayne, Indiana.

“BUILDING (OR HOUSE) DRAIN” – That part of the lowest piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the

building and conveys it to the building sewer.

- a. **COMBINED** – A building drain which conveys both sewage and storm water or other drainage.
- b. **SANITARY** – A building drain which conveys sewage only.
- c. **STORM** – A building drain which conveys storm water or other drainage, but not sewage.

"BUILDING (OR HOUSE) DRAIN CONNECTION" – The point where the building (or house) drain is connected to the building sewer at a location approximately three feet outside the foundation wall of the building.

"BUILDING (OR HOUSE) SEWER" – A private sewer that connects building plumbing to a public sewer. A building sewer normally begins outside the building foundation.

- a. **COMBINED** – A building sewer which conveys both sewage and storm water or other drainage.
- b. **SANITARY** – A building sewer which conveys sewage only.
- c. **STORM** – A building sewer which conveys storm water or other drainage, but not sewage.

"BUILDING (OR HOUSE) SEWER CONNECTION (SEWER TAP)" – The point where the building sewer is connected to the public sewer.

"CATEGORICAL INDUSTRY" – An industry whose effluent is regulated by 40 CFR 403.6.

"CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD" – Any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U. S. C. 1317) and codified in 40 CFR Chapter I, Subchapter N Parts 405-471, which contain pollutant discharge limits that apply to a specific category of industrial users.

"CLASSIFICATION OF USERS" – Customers of the Water Pollution Control Utility can be classified into the following general categories:

- a. **RESIDENTIAL USERS.** Includes any user of the City's treatment works whose lot, parcel or real estate or building is used for domestic dwelling purposes only.
- b. **COMMERCIAL USERS.** Includes all retail stores, restaurants, office buildings, laundries and other private business and service establishments, including those identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget Division I - Services.

- c. **INDUSTRIAL USERS.** Any user who introduces pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act. **INDUSTRIAL USERS** shall be classified as follows:
1. **NON-DISCHARGE USERS.** Includes all industries which discharge sanitary sewage only, and industrial users whose discharge is limited to non-contact cooling water, or boiler blow-down water.
 2. **NON-MAJOR INDUSTRIAL USERS.** Includes all industries that discharge process water but do not meet the criteria of **SIGNIFICANT INDUSTRIAL USERS.**
 3. **SIGNIFICANT INDUSTRIAL USERS (SIU).** Includes all industrial users, comprised of categorical and non-categorical industrial users, that meet one of the criteria contained in 40 CFR 403.3(v)(1), except for industrial users determined to be non-significant categorical industrial users as described in the next item.
 4. **NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER.** A Categorical Industrial User that is determined to be a Non-Significant Industrial User in accordance with the criteria of 40 CFR 403.3(v)(2). To maintain this classification, such an Industrial User must submit annually to the IPS the certification statement required in 40 CFR 403.12(q), including any required supporting information.
- d. **INSTITUTIONAL USERS.** Includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.
- e. **GOVERNMENTAL USERS.** Includes legislative, judicial, administrative and regulatory activities of federal, state and local governments.

“**CITY**” – City of Fort Wayne, Indiana.

“**CLEANOUT**” – A pipe or some other opening through which a device may be run to unplug a sewer.

“**CFR**” – The Code of Federal Regulations. When referenced in these rules, CFR shall mean, unless otherwise specified, the version of the Code of Federal Regulations incorporated into the City of Fort Wayne Code of Ordinances, Chapter 51.

“**COLLECTION SYSTEM**” – The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Water Pollution Control Plant.

“**COLLECTOR SEWER**” – Sewer that is primarily installed to receive wastewater directly from building or house sewers and convey the wastewater to an interceptor sewer.

"COMPATIBLE POLLUTANT" – Any pollutant that is treatable at the Water Pollution Control Plant and that does not cause interference or pass through.

"COMPLIANCE SAMPLE" – A sample taken of a user's effluent approximately 30 days after a violation of Chapter 51, the user's permit or the federal pretreatment standards and regulations has been discovered or reported. The user shall be billed for any compliance sample taken.

"COMPOSITE SAMPLE" – The sample resulting from the combination of discrete wastewater samples taken at selected intervals while the discharge rate is at or above normal based on an increment of either flow or time. Time intervals between discrete samples not to exceed two hours. The total duration of collection shall not exceed 24 hours.

"CUSTOMER" – The person responsible for paying the rates, charges, and fees assessed for the services provided by the Utility as determined from the records on file with the Utility.

"DEFRAUDING THE UTILITY" – The act of requesting or receiving utility service(s) under fictitious circumstances or any other act done with the intent to deprive City Utilities of its right to payment.

"DESIGN STANDARDS MANUAL" – A document that provides guidance and requirements for the planning, design, and construction of utility infrastructure, whether owned by the customer or the Utility. The Design Standards Manual contains definitions of terms that may vary in degree of technicality from the definitions contained in these Rules. In the event of a conflict between any definitions in this document and those contained in the Design Standards Manual, the definitions in the Design Standards Manual shall control.

"DEVELOPER" – An individual, corporation or organization that is engaged in or proposes activity on real estate for the purpose of providing infrastructure, lots, tracts or structures for residential, commercial, industrial public or quasi-public purposes.

"DIRECTOR" – The director or chief administrative officer of City Utilities, or authorized designee.

"DWELLING" – A building, or portion thereof, under one roof used primarily as the abode of one or more persons, but not including hotels, motels, lodging or boarding houses or tourist homes.

"EFFLUENT" – The water, together with any wastes that may be present, flowing out of a building (or house) drain or outlet.

"EPA or U.S. EPA" – United States Environmental Protection Agency.

"EMERGENCY" – An unforeseen circumstance or combination of circumstances that may cause an eminent endangerment to the health and/or welfare of persons, the environment, or which may interfere with the operation of the sewer collection system or the Water Pollution Control Plant.

"FOLLOW-UP SAMPLE" – A sample taken of a user's effluent at the city's discretion from a user receiving scheduled sampling, at times other than those regularly scheduled. A follow-up sample shall be done at no cost to the user.

"FOOD SERVICE ESTABLISHMENT or FSE" –Any establishment, including, but not limited to, a restaurant, coffee shop, cafeteria, short-order café, luncheonette, bar, tavern, sandwich stand, soda fountain, commissary, drive-in restaurant, drink establishment, snack bar, food counter, dining room, food catering facility, industrial cafeteria, convenience store, grocery store, private, public or non-profit organization or institution routinely serving food, and any other establishment, where food or drink products are prepared, served or provided for human consumption with or without charge. The term does not include private homes where food is prepared or served for individual family consumption, vending only facilities that provide only pre-packaged foods, or any temporary establishment, whether fixed or mobile, operating at one site for locations for a period of time not in excess of 14 days.

"GARBAGE" – Any solid wastes from the preparation, cooking or dispensing of food or from the handling, storage or sale of produce.

"GRAB SAMPLE" – An individual discrete effluent sample collected over a period of time not to exceed 15 minutes, without regard for the flow rate of the wastestream.

"GRAY WATER" – Any washwater that has been used by a residential, commercial, industrial, or governmental user (e.g., wastewater composed of washwater from kitchens, bathrooms, and laundry sinks, tubs, and washers). The term Gray Water excludes water from toilets.

"IMPERVIOUS SURFACE" – Areas that have been paved and/or covered with buildings and materials which include, but are not limited to, concrete, asphalt, rooftop and blacktop, such that the infiltration of water into the soil is prevented.

"INCOMPATIBLE POLLUTANTS" – Any pollutant that is not a compatible pollutant or that would cause damage to the collection system and/or Water Pollution Control Plant.

"INDIRECT DISCHARGE" (or "DISCHARGE") – The introduction of pollutants into a POTW (including the collection system leading to the Water Pollution Control Plant) from any non-domestic source regulated under section 307(b), (c) or (d) of the Act (33 U.S.C. 1317(b), (c) or (d)).

"INDUSTRIAL WASTE" – Any solid, liquid or gaseous substance, or form of energy discharged, permitted to flow or escape, or transported from an industrial, manufacturing, commercial or business operation or process, or from the development, recovery or processing of any natural resource carried on by any person.

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

"INTERCEPTOR SEWER" – A principal sewer to which collector sewers are tributary.

Interceptor sewers convey wastewater to the Water Pollution Control Plant or other disposal facilities.

"INTERFERENCE" – Interference means an indirect discharge that, alone or in conjunction with a discharge or discharges from other sources, both:

- a. Inhibits or disrupts the POTW, its treatment processes or operations, its sludge processes, or its selected sludge use or disposal methods; and
- b. Causes:
 1. A violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation; or
 2. The prevention of the use of the POTW's sewage sludge or its sludge disposal method in compliance with the following statutory provisions, regulations, or permits issued thereunder (or more stringent state or local regulations):
 - A) Section 405 of the Clean Water Act (33 U.S.C. 1345);
 - B) The Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901), including:
 - Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); and
 - The rules contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA (42 U.S.C. 6941);
 - C) The Clean Air Act (42 U.S.C. 7401);
 - D) The Toxic Substances Control Act (15 U.S.C. 2601); and
 - E) The Marine Protection, Research and Sanctuaries Act.

"IPS" – Industrial Pretreatment Section of the Water Pollution Control Plant.

"METER" – A device used to measure and record the quantity of water supplied to a customer or the quantity of wastewater discharged from a customer. The meter is the official recorder of the amount of water consumed or wastewater discharged by a customer.

"MONTH" – The period between any two consecutive regular billings by City Utilities for service rendered to a customer at his or her premises. Such billings are scheduled at intervals of approximately thirty (30) days. For purposes of billing, a month is 25 - 35 days. Any bills produced outside this parameter shall be pro-rated on a per day basis.

“NEW SOURCE” –

- a. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- b. Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
 1. Begun, or caused to begin, as part of a continuous onsite construction program
 - A) any placement, assembly, or installation of facilities or equipment; or
 - B) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated

or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

"NPDES PERMIT" – The National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management (IDEM) for discharges of pollutants to navigable waters of the United States pursuant to Section 402 of the Act, 33 U.S.C. 1342.

"NUISANCE" – Any stormwater discharge that creates an icing, slime or deterioration problem on a City street or sidewalk, or causes damage to a City street or sidewalk or other public property, creates ponding or standing water in the public right-of-way or that flows onto adjoining property.

"OPERATION AND MAINTENANCE COSTS" – All costs direct and indirect, other than debt services including replacement costs as defined herein, necessary to insure adequate wastewater treatment on a continuing basis conforming with federal, state or local requirements and to insure long-term facilities management.

"OWNER" – Designates the person holding the deed or record title to a premises. Subject to the terms of these Rules, a contract purchaser is considered an owner of the premises being purchased.

"PASS THROUGH" – A discharge which exits the Water Pollution Control Plant into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Water Pollution Control Plant's NPDES permit (including an increase in the magnitude or duration of a violation.)

"PERSON" – Any individual, owner, discharger, lessee, occupant, firm, partnership, company, municipal or private corporation, commercial establishment, association, society, institution, enterprise, governmental agency or other legal unit or entity.

"pH" – An expression of the intensity of the base or acidic conditions of a liquid.

"PRETREATMENT REQUIREMENTS" – Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.

"PUBLICLY OWNED TREATMENT WORKS (POTW)" – A treatment works as defined by section 212 of the Act (33 U.S.C. 1292), which is owned by a State or municipality (as defined by section 502(4) of the Act (33 U.S.C. 1362(4))). In particular, this term includes the Water Pollution Control Plant owned by the City, which is a municipality. This definition includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature, which collectively are referred to as a POTW Treatment Plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant, such as the Water Pollution Control Plant.

The term also means the municipality which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

"REPLACEMENT COSTS" – That cost, stated in current monetary values, as an operating cost which represents and measures the expenditures required to replace equipment, accessories or appurtenances of the property in order to maintain capacity and performance during the useful life of the property of the Water Pollution Control Utility.

"SANITARY SEWAGE" – Sewage discharged from the sanitary conveniences of dwellings, apartment houses, condominiums, motels, hotels, lodging or boarding house, office buildings, factories or institutions, and free from storm water, surface water, and groundwater.

"SCHEDULED SAMPLE" – Routine sampling of a user's effluent, usually twice a year for a commercial user and quarterly for industrial users.

"SEWAGE" – The water-carried wastes from residences, business buildings, institutions and industrial establishments (including but not limited to industrial wastes), singularly or in any combination, together with such ground, surface and storm waters as may be present.

"SEWER" – A pipe or conduit for carrying sewage and other waste liquids as differentiated below:

- a. **COMBINED OR COMBINATION SEWER.** A sewer that carries storm, surface and groundwater runoff as well as sewage.
- b. **PRIVATE SEWER.** Sewer owned and maintained by a private company, person, group of persons, or other private entity.
- c. **PUBLIC SEWER.** A sewer to the use of which all owners of abutting property have equal rights and is controlled and maintained by City Utilities or other public entities.
- d. **SANITARY SEWER.** A sewer that carries domestic and industrial sanitary sewage and to which storm, surface, ground waters and unpolluted industrial wastewaters are not intentionally admitted.
- e. **STORM SEWER.** A sewer designed or intended to convey only stormwater, surface runoff, street wash waters, and drainage, and not intended for sanitary sewage or industrial wastes other than unpolluted cooling water. The portion of a sewer intended to carry stormwater only, which begins at the grating or opening where water enters said sewer, through the sewer and any other conduits to the outlet structure where water enters a channel, natural watercourse or combined sewer. Also called a storm drain.

"SEWER CONSUMPTION CHARGE" – A charge levied on a user of the treatment works for the volume of wastewater discharged to the Water Pollution Control Utility from the user's

premises. Except as otherwise set forth herein, the sewer consumption charge is calculated from the monthly water meter readings collected from the user's premises.

"SEWER SECTION" – A continuous length of sanitary sewer that is between two (2) manholes or between a manhole and a cleanout.

"SEWER SERVICE CHARGE" – A charge assessed to each customer to recover administrative costs and those associated with billing, meter reading and maintenance of the sewer system, based on the size of the water meter.

"SLUG DISCHARGE" OR "SLUGLOAD" – Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits, or Permit conditions.

"STANDARD METHODS" – The 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 Water Works Association (AWWA) and the Water Environment Federation (WEF), a copy of which is on file in the Office of the Superintendent.

"SUPERINTENDENT" – The Superintendent of the Water Pollution Control Plant, or his/her designee.

"TOXIC POLLUTANT" – One of 126 pollutants, or combinations of those pollutants, listed as toxic in regulations promulgated by the U.S. EPA under the provisions of Section 307 (33 USC 1317) of the Act.

"USER" – Any domestic or non-domestic discharger of wastewater which introduces pollutants to the Publicly Owned Treatment Works (POTW).

"USER REQUESTED SAMPLE" – Any effluent sample taken by City Utilities at the request of the user, the cost for which shall be billed to the user.

"UTILITY" – The Water Pollution Control Utility of the City of Fort Wayne, Indiana.

"WASTE SURVEILLANCE CHARGE" – A monthly charge collected from users, qualifying as industrial or commercial class users, to defray the cost of evaluating that user's waste by metering sampling, laboratory analysis and/or other methods deemed necessary. Said charges are set forth in Section 51.065 et seq. and are subject to review annually as provided in Section 51.079 of the Fort Wayne Code of Ordinances.

"WATER POLLUTION CONTROL PLANT" or "WPC PLANT" – The arrangement of devices, structures, and equipment used for treating and disposing of sewage and sludge.

"WATER POLLUTION CONTROL UTILITY " – All facilities and systems for collecting, transporting, pumping, treating, disposing of sewage and sludge, including the sewage treatment

plant and the sanitary, storm and combination sewer collection systems whether or not in active use.

2. CONNECTION TO PUBLIC SANITARY SEWER

A new connection may be made to a City sewer or sewers connected to the City system only after there has been adequate assurance by the Utility that the downstream facilities of the collection system have adequate capacity to transmit and treat the new waste loadings.

The Fort Wayne Code of Ordinances requires that every property in the City of Fort Wayne shall connect to the municipal collection system whenever a sanitary sewer is available for use. The connection to the municipal collection system shall be made within ninety (90) days after such sanitary sewer is available.

A sewer is considered to be available for use by a property if it is abutting that property or is located in the public right-of-way or easement adjacent to the property, has capacity available, and is of a nature intended to collect sewage from individual properties—a collector sewer as opposed to an interceptor. An interceptor sewer is not intended to collect sewage via direct building (house) sewer connections. A sewer is considered to abut a property if it is located within a public right of way or easement that is adjacent to or abuts any part of the property that could be served.

Those properties not abutting a City sewer, but within three hundred feet (300') of an available sewer, shall make arrangements to have sewer extended to their property. Public sewers may be extended by private property owners once plans have been reviewed and approved by the City Utilities Development Services Department in accordance with Section 4 – EXTENSION OF CITY SEWERS of these Rules. Property owners may also petition the Board of Public Works for a sewer extension project. Property owners shall pay for a portion of the sewer extended through a petition-initiated project in accordance with the funding guidelines in effect at the time of the petition. Connection to the new sewer may not be made until the Board of Public Works accepts the main, or a Prime Contractor's Release and/or Prime Developer's Release is executed by the Development Services Department.

A connection to the public sewer shall be accomplished in accordance with the Design Standards Manual.

Any property that has a public sewer available but is not connected may be referred to the Fort Wayne/Allen County Board of Health for enforcement of applicable sanitary codes requiring connection to such public sewer.

Per 51.057 of the Fort Wayne Code of Ordinances, the Health Commissioner may, on written application and proof of economic hardship, extend the time within which a property shall be connected to the municipal collection system.

3. **BUILDING OR HOUSE SEWERS**

- a. No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Development Services Department.
- b. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City for any loss or damage directly or indirectly occasioned by the installation of the building sewer, including water damages from the backup of the public sewer system.
- c. A separate and independent building sewer shall be required for every building, except where one building stands at the rear of another on an interior lot and where no sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The building sewer from the front building may be extended to the rear building and the whole pipe considered as one building sewer.
- d. A building sewer shall not cross the property of another private owner unless such private owner has granted a permanent easement for such building sewer which is duly recorded in the Office of the Allen County Recorder.
- e. Existing building sewers may be used in connection with new buildings only when they are found, upon examination and test, to meet the current code requirements for building sewers.
- f. The installation of a building or house sewer shall comply with Chapter 51 of the Fort Wayne Code of Ordinances and applicable sections of the Design Standards Manual, which can be accessed at:
<https://utilities.cityoffortwayne.org/contractors-engineers-developers/design-standards-manual>
- g. City Utilities shall have no responsibility for the installation, maintenance and repair of building sewers, nor shall it be responsible for repair of building sewer connections including joints and fittings, if installed by a private contractor.
- h. It is recommended that gravity building sewer connections only be constructed for homes or buildings where the lowest elevation to have sanitary services is one foot (1') or more above the top of the manhole casting elevation of the first upstream manhole on the public sewer to which the connection is proposed to be made. In instances where this one-foot distance is not achievable and in areas susceptible to back-ups, proper backflow prevention shall be designed. If the first upstream manhole is at a higher elevation due to the natural topography of the area, an alternate method may be selected by the Utility's Development Services Department for the purpose of determining the feasibility of gravity connection.

- i. A gravity building sewer connection will NOT be allowed for homes or buildings where the lowest elevation to have gravity sanitary services is less than one foot (1') above the top of the manhole casting elevation of the first upstream manhole on the public sewer to which the connection is proposed to be made. If the first upstream manhole is at a higher elevation due to the natural topography of the area, an alternate method may be selected by the Development Services Department for the purpose of determining the feasibility of gravity connection. In instances in which gravity flow is not permitted, sanitary sewage carried by building sewers shall be lifted by an approved means (i.e., grinder pumps) and subsequently discharged to the public sewer.
- j. The connection of the building sewer into the public sewer shall conform to these Rules. All such connections shall be made gastight and watertight. Any deviation of the prescribed procedure or material must be approved by the City Utilities Development Services Department before installation.
- k. The Utility shall have the authority to require that runoff from new construction or redevelopment tributary to any combined sewer be designed to minimize or delay inflow contribution to the existing combined sewer system.
- l. The Utility shall have the authority to require that for any new construction with new impervious surface, any new storm sewer connection to any existing combined sewer shall be made separate and apart from the sanitary sewer connection in order to facilitate future disconnection from the combined sewer in the event a separate storm sewer subsequently becomes available.
- m. No owners of or persons controlling any real property shall allow soil to enter any building sewer constructed to serve said property at any time.
- n. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.
- o. No owners of or persons controlling any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained from the Utility, and until owner has satisfied the obligation to pay all assessments, reimbursements and pro rata shares of sewer extension costs levied against that property for public sewers which serve it. A sewer tap permit given in error shall not operate to nullify any such obligation that has been duly recorded nor stop the Utility from charging and collecting such costs at any subsequent time.
- p. From time to time, the Utility may permit any persons to tap or drain into a public sewer and to defer, in whole or in part, payment of the obligation, upon the execution and delivery to the Utility of a note, mortgage, lien document or other

evidence of obligation acceptable to the Utility.

- q. All such deferred obligations shall be considered for the purposes of Indiana Code Sections 36-9-23-31 through 36-9-23-34 to be fees assessed against real property.
- r. Installments of deferred obligations, including any finance charges or interest chargeable thereon, shall be deemed to be “charges for sewer service” for the purposes of Chapter 51 of the Fort Wayne Code of Ordinances.
- s. Sewer tap permits shall be obtained from the Development Services Department and shall be issued only to a property owner, contractor and/or plumber, who shall pay a fee based on service size and connection point at the time of permit application. The cost of all permits shall be per Chapter 51 of the Fort Wayne Code of Ordinances, as most recently amended. Six-inch (6") tap connections into a sewer structure as opposed to direct connection into a sewer line or taps larger than six inches (6") shall require approval from the City Utilities Development Services Department. Not later than forty-eight (48) hours after making each sewer tap and building sewer installation, the tap contractor or property owner shall notify the Development Services Department of such connections so that an inspection may be made by City Utilities prior to backfilling the sewer installation. Hours during which inspection requests will be accepted will be established by the Development Services Department.
- t. In cases of requests for connections to newly constructed mains prior to acceptance by the Board of Public Works, a Prime Contractor's Release and/or Prime Developer's Release must be executed and granted through the Development Services Department. Upon satisfaction of all other requirements, a permit for connection may be issued.
- u. No person shall make use of a sewer tap or backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by City Utilities. In addition to all other remedies, City Utilities may cause the installation of a sewer tap to be excavated and exposed, may terminate the connection and may require the owner or occupant to pay or reimburse City Utilities for its costs and expenses in such excavation, exposure, termination, reconnection and restoration. Such costs and expenses shall be considered as charges for sewage treatment services and may be collected in accordance with the provisions of Indiana Code 36-9-23-31 through 36-9-23-34 and Chapter 51 of the Fort Wayne Code of Ordinances.
- v. City Utilities may require an owner to repair private sewer systems, building or house sewers, and building or house sewer connections when City Utilities has determined, in its discretion, that the disrepair has a detrimental effect on the public sewer system or is causing damage to a surface improvement or any other City facility, structure, or property. Examples of conditions that may result in an order to repair from City Utilities include, without limitation, excessive inflow

and infiltration and sewage leaks from broken building or house sewers or connections. If a condition requiring repair is discovered, City Utilities shall provide notice to the owner outlining the reasons for the repair and the timeline for completion.

If the owner fails to make the repair within the timeline provided by City Utilities, City Utilities shall have the right, but not the obligation, to make the repair on its own. The property owner shall reimburse City Utilities for its costs and expenses associated with making such repair. Such costs and expenses shall be considered as charges for sewage treatment services and shall be billed to the property owner.

- w. In order to maintain strict control and quality of the collection system, all property owners, contractors and/or plumbers performing building sewer installation, repair, replacements shall comply with the standards and specifications set forth in the Design Standards Manual, and other applicable requirements. This includes full compliance with City Utilities inspection protocols and requirements.

4. **EXTENSION OF CITY SEWERS**

- a. All new developments, subdivisions, apartment complexes, shopping centers, hotels, restaurants, or any other residential, commercial or industrial development shall include adequate public sanitary and storm sewer systems.
- b. If adequate public sewers do not exist, the developer shall extend or cause to be extended adequate public sewers. All extensions must comply with the Policy of the Fort Wayne Board of Public Works Regarding Public and Private Wastewater (Sewer) System Infrastructure and Extension of Sewer Mains, which is incorporated by reference herein.
- c. No person shall make use of a sewer extension, backfill or otherwise conceal a sewer installation unless and until the same has been inspected and approved by City Utilities. In addition to all other remedies, City Utilities may cause the said installation to be excavated and exposed, may terminate the connection, and may require the developer or contractor to pay or reimburse City Utilities for its costs and expenses in such excavation, exposure, termination, reconnection, and restoration.
- d. The Board of Public Works may accept petitions from property owners requesting the extension of public sanitary sewers. Under the Board's policy, property owners abutting the sewer line shall pay for a portion of the cost of the sewer extension. For properties inside the City limits, the revolving Barrett Law program provides a financing mechanism for the property owners' share of the costs of a petition-initiated project. Contact the City's Development Services Department for more information about the petition process.

5. **LIMITATION OF POLLUTANTS IN DISCHARGES OF INDUSTRIAL WASTES**

- a. In accordance with the provisions of Section 51.033 of the Fort Wayne Code of Ordinances, the Board of Public Works, in order to protect the operation of the Water Pollution Control Plant, the disposal of its sludge, and its permitted discharge to the receiving stream, hereby limits the discharge of the following toxic pollutants or pollutant constituents by any industrial user into the City’s sewerage system to not exceed the concentrations listed below:

<u>Constituent</u>	<u>Daily Maximum Limitation (mg/l)</u>
Arsenic	0.10
Cadmium	0.70
Chromium (+6)	0.50
Chromium (Total)	10.00
Copper	2.00
Cyanide	1.20
Lead	0.60
Mercury	0.01
Nickel	3.00
Phenol	1.00
Silver	0.30
Zinc	6.00

The above limits apply at the point where wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to the concentration-based limitations above.

The Superintendent may also develop Best Management Practices (BMP’s), by ordinance or in individual wastewater discharge permits, to implement local limits and the requirements of Section 51.033.

- b. Pursuant to the provisions of Section 51.033 of the Fort Wayne Code of Ordinances, as applicable in accordance with Section 51.030(B) and (C) of said Code, the Board of Public Works is evaluating the potential need for the establishment of more stringent local limitations than those set in subsection (a), above, for the discharge from any industrial user of the following toxic pollutants or pollutant constituents into a portion of the City’s sewerage system (the “Diversion Sewers”) from which sewage is subsequently diverted, continuously or intermittently, in part or in whole, to the Aqua Indiana Wastewater Treatment

Plant, in order to protect the operation of such treatment plant and its permitted discharge to the receiving stream. Consequently, any industrial user that causes a discharge to one of the Diversion Sewers with a pollutant concentration, as a daily maximum value, that exceeds any of the following notification levels shall provide a written notification to the Superintendent of each such discharge, including all such pollutant concentrations, within ten (10) days of receipt of analytical results describing such pollutant concentration(s). In the absence of the adoption of a more stringent discharge limitation as described hereinabove, for any of the pollutants listed below, the limitations of subsection (a) of this section 5 shall remain applicable to all indirect discharges to any of the Diversion Sewers.

Notification Levels (mg/l)	
Chromium (+6)	0.26
Lead	0.15
Mercury	0.001
Zinc	3.74

The above notification levels apply at the point where wastewater is discharged to the City’s sewerage system. All concentrations for metallic substances are for total metal unless indicated otherwise. The notification levels established in the subsection are independent of, and do not affect in any way, any reporting requirements otherwise applicable to an Indirect Discharge under Chapter 51 of the Fort Wayne Code of Ordinances.

c. **SAMPLE DISPUTE RESOLUTION.**

In accordance with Section 51.040 of the Fort Wayne Code of Ordinances, the following procedure will be used in the event of a dispute between the Superintendent and the user as to the concentration, toxic nature or compliance status of the sample taken and analyzed by the City Utilities.

All such disputes shall be resolved consistent with the most current approved U.S. EPA or IDEM guidance documents and methodologies through an appeal filed by the industrial user. All appeals shall be resolved in an impartial manner through uniform application of the appeals procedures and considerations. Specifics of this process are set out in each Industrial Wastewater Discharge Permit and the steps for resolution of an appeal are contained in the Industrial Pretreatment Section Enforcement Response Guide. These documents may be modified as more accurate procedures become available. The following documents are the recognized authority at the date of approval of these Rules and Regulations:

1. U.S. EPA memorandum, January 21, 1992 Determining Industrial User Compliance Using Split Samples.

2. Resolving Compliance Disputes, - Memorandum from City of Fort Wayne Law Department to Greater Fort Wayne Water Quality Subcommittee, and flow chart.

6. **MANAGEMENT OF FATS, OILS, AND GREASE**

- a. Establishment of Fort Wayne City Utilities Grease Cooperative (“FWCUGC”). Section 51.073 of the Fort Wayne Municipal Code of Ordinances authorizes the City to offer City-procured cleaning and maintenance services for Food Service Establishment grease interceptors and traps to improve the functionality of the POTW infrastructure as well as explore the development of high-strength waste and fats, oils, and grease as a renewal energy supply to the WPC Plant. The FWCUGC is established to provide member FSEs with cleaning and maintenance services under collective contracts that are established and managed by the City. Membership in the FWCUGC is voluntary and FSEs may enroll or withdraw at any time. For FWCUGC members, the City-procured maintenance and cleaning services will meet the ordinary maintenance and cleaning requirements set forth in these Rules and Regulations on the FSE member’s behalf. In addition to meeting the maintenance and cleaning requirements set forth herein, the City-procured services will be offered to member FSEs at a reasonable rate established through a competitive bidding process. Enrollment with the FWCUGC shall be available to all FSEs in the City service territory that meet the eligibility criteria set forth in the Terms and Conditions of Enrollment.
- b. Installation of Pre-Treatment Devices.
 1. Grease Interceptors and Traps. In accordance with Fort Wayne City Code 51.038, the Superintendent has discretion to require a person that discharges waste to the City’s sewerage system to install, at said person’s expense, a grease interceptor or trap as necessary to reduce the settleable solids and prevent the pass through of pollutants, interference with the Water Pollution Control Utility, and nuisances.
 - A) The Water Pollution Control Utility has deemed it necessary to require the installation of an interceptor or trap in either the building sewer or within the building’s plumbing system in accordance with the minimum requirements of the Uniform Plumbing Code, Latest Edition, where the Superintendent has determined that any one of the following conditions exist:
 - i. Excessive maintenance of the sewer has been required to prevent the occurrence of blockages, back-ups, etc., resulting in property damage; and evidence indicates that the cause of this excessive maintenance is the discharge of prohibited wastes and/or wastes in excess of limitations set out in the Fort Wayne Code of Ordinances or these Rules and Regulations.

- ii. There exists a concentration of persons discharging prohibited wastes into a public sewer without the benefit of any grease interceptor or trap.
 - iii. The results of laboratory analysis have demonstrated that the strength of wastes being discharged into the public sewer is in excess of the limitations set out in the Fort Wayne Code of Ordinances.
- B) Any non-residential building sewer which has or will have the potential of discharging waste containing fats, oils, grease, sand or similar substances shall have a grease interceptor or trap installed in a manner to provide, at all times, the effective removal of such substances before discharge to the public sewer.
 - C) The Superintendent shall notify, in writing, any person who has been identified to be in violation of any of the above-mentioned conditions and shall require such person or persons to install and/or maintain an existing grease interceptor or trap.
 - D) Following notification, the grease interceptor or trap shall be installed within one hundred twenty (120) days. Failure to install the grease and/or sand trap within 120 days shall be considered a violation of these Rules and Regulations.
 - E) If notification is given that maintenance is required in excess of the maintenance requirements set forth in these Rules and Regulations, said maintenance shall be carried out within thirty (30) days, after which time the user shall be considered to be in violation of these Rules and Regulations.
 - F) The cost of, and responsibility for installation and maintenance of grease interceptors and traps shall be the sole responsibility of the property owner or utility user. The Board of Public Works may, upon application and proof of economic hardship or other reason, extend the time within which such equipment must be installed.
 - G) All grease interceptors and traps shall be installed in conformance with the latest version of the Fort Wayne Design Standards Manual. Sizing for interceptors is based on volume of flow as set forth in the latest version of the International Plumbing Code and incorporated by reference into the Fort Wayne Design Standards Manual. Property owners are responsible to ensure compliance with these standards.

2. Garbage Grinder/Disposals. Commercial and industrial users shall not convert solid waste into liquefied waste and introduce such waste into the POTW by means of a garbage grinder/disposal. Where food waste grinders connect to grease interceptors, a solids interceptor shall separate the discharge before connecting to the grease interceptor. Solids interceptors and grease interceptors shall be sized and rated for the discharge of the food waste grinder.
3. Mobile Food Service Units, Concession Trailers and Commissaries. Gray Water from mobile food service units and concession trailers must be dumped at an approved commissary in accordance with regulations applicable to such commissary. No User shall dump Gray Water into storm drains or directly into City sewers.
4. Multiple User Interceptors. Multiple user or “gang” interceptors, such as single interceptors that serve multiple facilities in strip malls, are prohibited in all new construction. Existing multiple user interceptors may be allowed to continue being used only if the Superintendent determines that such use will not pose an unreasonable risk of harm to the sewerage collection system. If a multiple user interceptor is approved for continued use, the property owner shall be responsible for all maintenance and upkeep related to such device. If the Superintendent determines that excessive violations related to the multiple user interceptor have occurred or that the multiple user interceptor poses an unreasonable risk of harm to the sewerage collection system, the Superintendent may require the installation of a separate interceptor for each tenant or separate user that discharges waste containing or having the potential to contain fats, oils, and grease to the sewerage collection system.

c. Maintenance.

1. Maintenance of grease interceptors, traps, and receptacles as described in these Rules and Regulations shall be the sole responsibility of the user, or in the case of multiple user interceptors, the property owner. All records documenting maintenance activities, including invoices provided by third-party service contractors, are required to be maintained onsite. Upon request, the user or owner must provide the City with any documentation necessary to demonstrate that the maintenance requirements and frequencies are being met. Maintenance is necessary to ensure proper operation by preventing any obstruction, interference, or damage to the wastewater collection system.
2. FSEs may choose to enroll in the FWCUGC. If a FSE is enrolled in the FWCUGC, the City will meet the ordinary maintenance and cleaning requirements established in this section on behalf of the FSE.

3. Cleaning Methods. The user shall allow, or cause to be allowed, only mechanical cleaning. At no time shall any user add or cause any additive to be introduced that causes emulsification and/or saponification to occur. Contents removed from the interceptor shall be hauled and disposed of off-site in accordance with all applicable City, County, State, and Federal laws and regulations. The user shall provide property access to a City inspector for an inspection prior to, during and/or after the cleaning.
4. Cleaning Requirements.
 - A) Grease Traps
 - i. A user shall pump, or cause to be pumped, the contents of the trap at least every fourteen (14) calendar days. The Superintendent may reduce the required frequency of cleanings if the Superintendent determines that such reduction will not increase FOG discharges into the City's collection system, and will not result in nuisance odors in or around the user's facility.
 - B) Grease Interceptors
 - i. The contents of the interceptor shall be pumped at a minimum of at least every ninety (90) calendar days or more frequently if the solids content reaches twenty-five percent (25%) of the interceptor volume or when the final compartment contains more than three (3) inches of FOG. If a user elects to enroll in the FWCUGC, the user may request in writing that the Utility approve a temporary or permanent reduction in the frequency of cleaning, but in no event shall cleanings occur less frequently than every one hundred eighty (180) days. The Utility will only approve reductions in cleaning frequencies if the an approved Non-Hazardous Liquid Waste Hauler ("NHLWH") informs the Utility, based on at least four (4) consecutive quarters of observation, that a reduced frequency will not adversely impact the observation of the interceptor, will not increase FOG discharges into the City's collection system, and will not result in nuisance odors in or around the user's facility. The user shall submit manifests or other verification that cleaning has been completed within thirty (30) days of each cleaning.

- ii. The following procedures shall be used consistently when servicing an exterior trap or interceptor. The City may modify these procedures based on observations, feedback from FSEs, or to increase the solids content of waste material to make it more useable as renewable energy feedstock:
- The contractor shall place an approved form of spill protection under the exhaust hose of the pump.
 - The contractor shall thoroughly inspect the grease/interceptor(s). Inspections shall note and photo-document missing or damaged down spouts (T-pipes), baffles and interceptor manways (covers). The inspection shall also note any corrosion, holes or collapses, and those deficiencies shall be communicated to the City.
 - When working around open manholes, the contractor must follow all OSHA barricading requirements. The contractor will strive to open only one manhole cover at a time unless the contractor reasonably determines that doing would be impractical under the circumstances.
 - The contractor shall test the interceptor(s) effluent chamber using a “sludge judge” apparatus. The corresponding levels of total liquid height, top oil thickness, and sludge depths are to be recorded and included in the report prepared by the Contractor. Additionally, trash / objects not pertaining to grease waste shall be removed and documented.
 - The contractor shall pump the upstream compartment (generator) side first.
 - As the water level in the interceptor goes down, the contractor shall start scraping or jetting the walls and baffles to remove the debris that has accumulated as needed.
 - The contractor shall finish vacuuming the interceptor out, making sure to remove all sludge and debris from the bottom.

- The contractor shall wash down the walls of the interceptor with a water hose and a point 0 nozzle. Wash down the area around the top of the interceptor as needed only.
- The contractor shall make sure the interceptor is evacuated of all solids, water, oil and grease.
- The contractor shall complete the steps above for each compartment of the interceptor and provide photo documentation of work performed.
- When cleaning of all compartments is completed, the contractor shall re-open the influent side to make sure it is clean and no additional cleaning or pumping is needed.
- Interceptors shall be filled through normal use from permanent fixtures. Water hoses shall not be used to recharge interceptors.
- Prior to leaving the location, the contractor shall ensure that all work areas are clean and free of grease.
- At no time may the contractor return any liquid from the pumping truck back into the interceptor.
- At no time may a contractor allow the discharge of water to flow from the grease interceptor maintenance process to a storm water drain or catch basin, street, roadway, sidewalk, gutter, landscape area or any type of storm water structure.
- The contractor shall ensure that manhole covers are properly installed for safety.

C) Chemical and Bacteriological Additives. Chemical and bacteriological additives are strictly prohibited. At no time shall any additive be used that causes emulsification and/or saponification to occur. The use of any unapproved additive shall not alter the required cleaning frequencies prescribed in these Rules and Regulations.

D) Best Management Practices. If necessary to safeguard the operation and efficient functioning of the POTW, the Utility shall

require any user to implement Best Management Practices deemed necessary to reduce pollutants entering the POTW.

d. Oil & Grease Limits and Acceptable pH Balance.

1. Except in rare cases where the Superintendent has previously determined that a higher oil and grease limit will not pose an unreasonable risk of harm to the sewerage collection system, the concentration of oil and grease discharged to the Water Pollution Control Plant may not exceed 200 mg/l total.
2. The Utility may restrict the allowable concentration of oil and grease below the 200 mg/l total limit in the future to protect the integrity of the Water Pollution Control Utility. In such a case, no penalties shall be assessed for discharge between the new, lower level and the current 200 mg/l total O&G limit for a period of ninety (90) days following action of the Board of Public Works approving the reduced limit.
3. The acceptable range for pH is 6-12. Analysis shall be conducted on grab samples taken at the user's sampling point, as determined by the Superintendent.

e. Enforcement Related to Fats, Oils, and Grease.

1. Users who fail to comply with the installation, maintenance, and cleaning requirements for Grease Interceptors and Traps as set forth in this Section shall be subject to enforcement as set forth in Section 51.111 and 51.999 of the Fort Wayne Code of Ordinances and/or the City's Enforcement Response Plan, as applicable.
2. In addition to the foregoing, routine samplings may be conducted at least annually for all FSEs. Any FSE found to have exceeded the 200 mg/l total oil and grease limit or the acceptable range for pH upon initial sampling shall receive a written Notice of Exceedance. This notice may require the user to provide the Utility with a written explanation of its current and proposed means of regulating its oil and grease discharge, which plan is subject to the Utility's approval. Thereafter, a second compliance sample shall be collected and analyzed by City Utility. Based on the results of this compliance check, the following escalating administrative fines may be assessed.
 - A) For each exceedance of the 200 mg/l limit thereafter, this fine schedule may apply per occurrence. Further, any user found to have exceeded the 200 mg/l limit may be subject to re-sampling within thirty (30) days from the date the Notice of Exceedance is mailed.

Milligrams/Liter	
201 -300.....	\$ 200.00
301 -500.....	\$ 400.00
501 -1000.....	\$ 600.00
Over 1000.....	\$1,000.00

B) The following administrative fines may be assessed, per occurrence, to pH test results showing the user's pH level to be outside the approved range of 6 - 12.

±0.5 units from the standard.....	\$ 100.00
±1.0 units from the standard.....	\$ 200.00
±1.5 units from the standard.....	\$ 350.00
± 2.0 units from the standard.....	\$ 400.00
Greater than ±2.0 units from the standard.....	\$ 500.00

C) The cost of gathering and analyzing a compliance sample following a finding of exceedance or noncompliance under Section 6 of these Rules and Regulations is built into the fine schedules set out in paragraphs a. and b. above.

7. **SEPTIC TANK CLEANINGS AND INDUSTRIAL WASTES ACCEPTED AT THE WATER POLLUTION CONTROL (WASTEWATER TREATMENT) PLANT**

- a. Wastes that can be treated in digesters: Septic tank cleanings, milk whey and other wastes acceptable to the Superintendent for treatment in the plant digesters from waste hauler trucks will be handled by the Water Pollution Control Plant for charges set out in Section 51.073 of the Fort Wayne Code of Ordinances.
- b. Wastes that cannot be treated in digesters: Commercial or industrial wastes acceptable to the Superintendent, but which are not acceptable for treatment in the plant digesters (i.e., which must go to the Fort Wayne Biosolids Handling Facility or other disposal), and which are received from waste hauler tank trucks, will be handled by the Water Pollution Control Plant on an individual contract basis as approved by the Director and the Board of Public Works, at a charge adequate to reimburse the City Utilities for materials, labor, and overhead costs estimated to dispose of such wastes.

8. FLOW METERING EQUIPMENT

- a. When an industry has been determined by the Superintendent to be a "Significant Industrial User," the Superintendent shall notify such industry and may, at Superintendent's sole discretion, require the installation, within one hundred twenty (120) days, of flow metering equipment for the purpose of determining the sewage flow or flows to the public sewer.
- b. The specifications for any flow metering device and plans for installation shall be submitted to and approved by the Superintendent prior to its installation.
- c. The cost of, and responsibility for, installation and maintenance of such equipment shall be the sole responsibility of said user.
- d. The Board of Public Works may, upon application and proof of economic hardship or other reason, extend the time within which such equipment must be installed.

9. CONTROL MANHOLES

- a. Any person who discharges or may discharge industrial wastes into a public sewer via any means may be required by the Superintendent to construct and maintain, at his own expense, one or more control manholes or sampling ports, at a specified location or locations, to facilitate the observation, measurement, and sampling of owner's waste. Manholes and sampling ports shall be constructed in accordance with the standards and specifications of the Fort Wayne Design Standards Manual. The Superintendent may also require the person to install and maintain in any such manhole or sampling port, at said person's expense, an approved volume- measuring device. Plans and/or shop drawings for the installation of control manholes, sampling ports and related equipment shall be approved by the Superintendent before any construction is begun.
- b. Any building sewer which will have or has the potential of discharging prohibited wastes and/or wastes in excess of normal domestic sewage shall have a control manhole or sampling port installed in accordance with either the Fort Wayne Design Standards Manual or an alternate mechanism for sampling approved by the Superintendent.
- c. City Utilities has deemed it necessary to require the installation of a control manhole or sampling port in all building sewer lines where the Superintendent has determined that any of the following conditions exist:
 - 1. Abnormal maintenance of the sewer has been required to prevent and/or correct the occurrence of blockages, back-ups, etc., which have resulted in property damage; and evidence indicates that the abnormal maintenance is the result of the discharge of wastes in excess of limitations set forth in the

Fort Wayne Code of Ordinances.

2. There exists a concentration of persons discharging wastes into a public sewer through a building sewer or sewers not having control manholes.
 3. The results of laboratory analysis have demonstrated that the strength of wastes being discharged into the public sewer are in excess of limitations set forth in the Fort Wayne Code of Ordinances.
- d. The Superintendent shall notify, in writing, any person who has been identified to be in violation of any of the above-mentioned conditions and shall require such person or persons to install one or more control manholes or sampling ports.
 - e. Following notification, a control manhole or sampling port shall be installed within one hundred twenty (120) days. Failure to install the control manhole or sampling port within 120 days shall be considered a violation of these Rules and Regulations.
 - f. Control manholes and sampling ports shall be located upon private property, shall receive all wastes from the property and shall be readily accessible to representatives of the Water Pollution Control Utility (Wastewater Utility) in order to facilitate observation, measurement, and sampling of the waste being discharged.
 - g. Generally, each control manhole should serve only one user so the Wastewater Utility is able to easily identify the source of discharge. In cases such as strip malls, however, where multiple users having the potential to discharge prohibited waste are connected to a single wastewater line, the Superintendent may allow installation of a single control manhole if the Superintendent determines that such configuration will not pose an unreasonable risk of harm to the sewerage collection system. In such a case, the property owner shall be responsible for maintenance of the control manhole as set forth in subsection h. below and for all violations of these Rules and Regulations or Chapter 51 of the Fort Wayne City Code with respect to prohibited discharges.
 - h. The cost of and responsibility for installation and maintenance of control manholes, sampling ports and flow- metering equipment shall be the sole responsibility of the property owner or utility user.
 - i. The Board of Public Works may, upon application and proof of economic hardship or other reason, extend the time within which such equipment must be installed.

10. SUBMISSION OF DATA ON INDUSTRIAL WASTE

All Significant Industrial Users, whether categorical or non-categorical, shall comply with the

reporting requirements found at 40 CFR 403.12. Data collected to satisfy reporting requirements must be representative of the conditions occurring during the period covered by the report. All samples shall be collected using protocols, including appropriate preservation, specified in 40 CFR Part 136.

Users subject to the reporting requirements of this rule shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this rule, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established pursuant to this ordinance. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates the analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

All industries subject to federal categorical standards having established limitations for Total Toxic Organics shall file with the Industrial Pretreatment Section, a scan for Total Toxic Organics (TTOs) at least biannually or whenever a process change occurs, whichever occurs first. Excepted from this monitoring requirement are users having a Toxic Organic Management Plan (TOMP) that has been approved by the City and by U.S.EPA and incorporated into the users Industrial Wastewater Discharge Permit. These users shall certify biannually that the approved TOMP is being fully implemented, and shall be required to perform the required monitoring for submittal with each permit renewal application or whenever a process change occurs, whichever occurs first.

All industrial users shall include certification statements with all self-monitoring reports as set out in 40 CFR 403.6(a)(2)(ii).

An industrial user shall notify the Industrial Pretreatment Section within twenty-four (24) hours of becoming aware of a violation of Chapter 51 of the Fort Wayne Code of Ordinances or of its wastewater discharge permit.

11. PUBLIC NOTIFICATION

In accordance with the provisions of 40 CFR 403.8(f)(2)(viii), the City shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve(12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

12. SPECIAL DISCHARGES; SWIMMING POOLS

- a. Downspouts, Sump Pumps, Geothermal Systems, and Yard Drains.
 - 1. No person shall connect any geothermal system, roof downspout, yard drain, sump pump, or other drain, either directly or indirectly, to a sanitary sewer. The Utility shall have the authority to conduct inspections to identify improper connections and issue an order requiring an owner of real property to disconnect any geothermal system, downspout, yard drain, sump pump, or other drain from the sanitary sewer. The Utility shall also have the authority to require an owner of real property to disconnect any geothermal system, downspout, yard drain, sump pump, or other drain from a combined sewer if the Utility determines, in its discretion, that disconnection is appropriate or necessary.
 - 2. If an order to disconnect a geothermal system, downspout, yard drain, sump pump, or other drain is issued, the property owner shall have thirty (30) days to complete the disconnection and re-route the discharge to the ground of the property served, a storm sewer, or other stormwater facility (such as an inlet, catch basin, or waterbody). If there are no stormwater facilities available and there are no other options for the discharge without creating a nuisance, the owner may apply for a waiver of the requirement to disconnect the geothermal system, downspout, yard drain, sump pump, or other drain from the sanitary or combined sewer system. The Utility may grant or deny a waiver request in its discretion and may limit a waiver to a specific time period (e.g., from the months of November to March) to prevent a nuisance. In either case, the owner may be subject to an additional monthly charge as outlined in Section 51.074 of the Fort Wayne Code of Ordinances for as long as the connection continues.
- b. Swimming Pools and Interactive Water Fountains.
 - 1. Any chlorinated or chemically treated water for swimming pools, interactive water fountains (e.g., wet decks, splash pads, spray pads, or spray parks), or spas/jacuzzies must discharge to a combined sewer or sanitary sewer. However, interactive water fountains must have a shut-off connection to the sanitary or combined sewer so as not to drain fountain areas during rain or melting snow events and cause combined sewer overflow discharges or sanitary sewer overflows. The Development Services Department will review plumbing plans and meter modifications prior to commencement of work.
 - 2. Chlorinated water and swimming pool or spa water that has been treated with chlorine may be allowed to discharge to the municipal separate storm sewer system under the following conditions:

- A) Chlorinated water must sit idle for seven (7) days following the most recent chlorination prior to discharge to a storm sewer; or
 - B) The water must be analyzed to show that the discharge does not contain detectable concentrations of chlorine residual (concentration must be less than 0.05mg/l). Swimming pool water with a chlorine concentration in excess of 0.05 mg/L will be considered an illicit discharge if it is discharged to the separate storm sewer system.
 - C) Approval for discharge of dechlorinated water or dechlorinated swimming pool or spa water into the storm sewer system must be given by the DSM through the WPCM.
 - D) Water from swimming pools or spas or any other water that has been treated with any chemicals other than chlorine may not be discharged to the storm sewer system.
- 3. When discharging dechlorinated water or dechlorinated swimming pool or spa water to the stormwater management system, the water must be piped into a receiving structure (such as a storm sewer manhole or inlet) and must not flow directly or indirectly onto the ground of any private property other than the property of the person discharging the water, or onto or over any public property or right-of-way.
 - 4. Dechlorinated water or dechlorinated swimming pool or spa water may be discharged onto the property where the pool or spa is located and allowed to soak into the ground so long as the discharge is completely absorbed and does not flow onto any adjacent property or public property, does not cause erosion and does not flow into a ditch, creek or other public stormwater management system.
 - 5. Any water from swimming pools or spas that may be contaminated with material such as insects or insect larva, soil, organic matter, algae, mildew, mold or bacteria may not be discharged into a separate storm sewer and must be discharged directly to a sanitary or combined sewer.
 - 6. Construction of new in-ground and some above ground swimming pools requires an Improvement Location Permit from the Department of Planning Services.

13. **SERVICE CHARGES**

a. General

- 1. Charges for sewer service shall be computed and billed by City Utilities. Bills shall be rendered monthly, approximately every 30 days, unless additional billing is required to reflect customer changes, meter changes,

service terminations, initial billings, or is otherwise required to adjust billing cycles.

2. Billings for sewer service shall be rendered with and shall be due and payable on the same due date as billings for water service to the same premises, if any. If none, then within such billing cycle as City Utilities may determine.
3. Bills shall be rendered monthly. If a bill is not paid on or before the due date indicated on the bill, the bill shall be considered delinquent. If a delinquent bill is not paid in full on or before a date specified in a notice from the Utility, water and sewer service may be terminated by the Utility.

The rates, charges, penalties and surcharges set out herein and/or as fixed in Chapter 51 of the Fort Wayne Code of Ordinances, shall extend to and cover any additional premises hereafter served, without hearing or notice. If the first billing to a new user covers a period other than a full billing month, then the charges for sewer service for such billing shall be made in accordance with the Fort Wayne Water Utility Rules and Regulations.

4. Charges for sewer service shall be billed to the person being billed for water service, if any, unless, by contract with City Utilities, another person assumes responsibility for payment. In all other cases, sewer service shall remain the responsibility of the owner of the real estate, who shall hold the Utility harmless from any loss occasioned by the delinquency of the person billed, including all penalties, recording fees, attorney's fees, interest and court costs, if any.
5. The owner of the real estate shall, upon request to the City Utilities Customer Support Department, have the right to examine the City Utilities' records of billing and collection to ascertain whether such charges have been paid, and the amount thereof.
6. Nothing herein contained shall permit the owner, or any person other than the person being billed, to inspect, examine or otherwise obtain confidential information including the income, employment, finances or social security number of the person being billed.
7. Charges for sewer service levied pursuant to Chapter 51 of the Fort Wayne Code of Ordinances, shall be due and payable on or before the due date stated on the bill. Further, a delinquent sewer bill may be collected with any applied penalty, recording fees, sewer service charges and sewer consumption charges, attorney's fees, interest and court costs, if any, in accordance with Chapter 51 of the Fort Wayne Code of Ordinances and with Indiana Code Sections 36-9-23-31 through 36-9- 23-34.

8. Sewer billing shall commence with the billing for water service, the meter set date or date of occupancy whichever shall first occur.
9. Except as otherwise set forth herein, all sewer services charges shall be based on the size of the water meter serving the premises, and sewer consumption charges shall be calculated based on the amount of water consumed on the customer's premises, as determined from the monthly water meter readings. In the case of a privately owned water and sewer system (such as a mobile home community or strip mall), a master meter will be installed at the point(s) of connection to the public water main, and the reads collected from the master meter shall serve as the basis for the customer's monthly water and sewer bill. All water that passes through the meter shall be included for purposes of the monthly water and sewer bill, whether such water is used, wasted, or lost through leakage.
10. In the event the sewer user is not a metered Fort Wayne City Utilities water customer, charges shall be imposed and charged as follows:
 - A) Residential – In the event a single-family residential sewer customer is served by a well, the user may request the utility to install a meter on the well for purposes of calculating the user's monthly sewage bill, subject to the requirements of Section 51.066 of the Fort Wayne City Code. All other residential users served by a well or that otherwise do not receive their water through metered water service shall be billed flat charges as established for in-city or out-of-city service in Chapter 51 of the Fort Wayne Code of Ordinances.

However, if the sewer user is a metered customer of another utility, City Utilities shall bill that user according to its metered water consumption. Readings obtained by City Utilities for such purpose shall be presumed to be correct so long as readings from said meter are accepted as accurate for water billing purposed by the utility supplying the water and the customer.

- B) Metered Water (Commercial, Industrial, Institutional and Governmental) – If the sewer user is a metered customer of another utility, City Utilities shall bill that user according to its metered water consumption. Readings obtained by City Utilities for such purpose shall be presumed to be correct so long as readings from said meter are accepted as accurate for water billing purposes by the utility supplying the water and the customer.
- C) Unmetered Water (Commercial, Industrial, Institutional and

Governmental) – Customers with an unmetered water source shall be required to install a water or sewage meter as determined by the Director. All required meters shall be installed according to City Utilities’ specifications, and the cost of installation, calibration and maintenance shall be the sole responsibility of the owner. The meter shall be used for billing purposes after it has been calibrated and accepted by City Utilities. The customer shall provide access to said water or sewage meter for the purpose of billing for sewer service.

D) City Utilities shall retain documentation supporting its estimates and the billings based thereon. Such determination of billings may be reviewed and adjusted by City Utilities at any time. However, no adjustments, additional charge or refund may be made more than six (6) years after the due date of the billing sought to be adjusted.

11. Any property found to be connected to a public sewer for the discharge of sewage without payment shall be placed on monthly billings immediately, and the user of the service shall be back-billed for the period of use either at the metered use charge or the monthly flat charge set out in Chapter 51 of the Fort Wayne Code of Ordinances.

b. Delinquencies

1. A penalty of ten (10%) percent of the amount of the charges for sewer service shall be attached to the current delinquent charges.
2. Where the property having a delinquent account for charges for sewer service is served by the City's Water Utility, City Utilities may, after reasonable notice to the person being billed, shut off water service to the property. Water service shall not be restored until the delinquent account, together with the costs of turning off and turning on the water, shall have been paid.
3. Delinquent charges for sewer services and applied penalties, recording fees, and service charges may be made a lien upon the property and may be collected in accordance with the provisions of Indiana Code 36-9-23-32 and 36-9-23-33.
4. In addition to all other remedies provided, the City Utilities may disconnect sewer service to the property. Sewer service shall not be restored until the delinquent account, together with the costs of terminating and reconnecting the sewer service, shall have been paid.
5. In addition to the foregoing remedies, City Utilities may file a civil action

to recover the amount of the charges for sewer services penalties, and a reasonable attorney's fee, and may foreclose liens established by Chapter 51 of the Fort Wayne Code of Ordinances and in accordance with Indiana Code 36-9-23-34 when the delinquent party is the property owner.

14. ENFORCEMENT

- a. In accordance with Chapter 51, Section 51.111 of the Fort Wayne Code of Ordinances, the power to enforce the provisions of Chapter 51 not specifically dealt with elsewhere shall be vested in the Director, and such deputies, with the approval of the Board of Public Works, as may be appointed for such purposes.
- b. Whenever said Director or any such deputy shall deem it appropriate to charge any person with a violation(s) of Chapter 51, a Notice of Violation may be issued or the Utility may issue a Summons, which shall be processed according to the provisions of Indiana Code (34-28-5-1). As an alternative, the Director may employ administrative remedies in accordance with Indiana Code 36-1-6-9 and the Fort Wayne Code of Ordinances.

15. ENFORCEMENT PROCEDURE

- a. It shall be the policy of City Utilities to enforce the provisions of Chapter 51 in accordance with Section 51.111 of the Fort Wayne Code of Ordinances. However, contractually specified enforcement procedures where City Utilities is a party to the contract and which conflict with any portion of Section 51.111, shall take precedence over the conflicting portion of said Section.
- b. More specific guidance on enforcement responses that may be taken by the City to address violations of Chapter 51 and these Rules is more fully set out in the City's Enforcement Response Plan, which is specifically incorporated into each Industrial Waste Discharge Permit and into these Rules and Regulations by reference.
- c. All actions taken by the Utility requiring a response by the user shall be made in writing and sent by certified mail to ensure receipt by the user.

16. RIGHT OF APPEAL

- a. In the event the Utility makes a determination affecting a customer or owner under these Rules, such as a determination requiring repair of a building or house sewer under Rule 3, installation and/or maintenance of a grease interceptor or trap under Rule 6, or installation of a control manhole under Rule 9, the Utility shall give written notice of such determination.

- b. The Utility assesses sewer service charges, sewer consumption charges, various surcharges as outlined in Chapter 51 of the Code of Ordinances, delinquency and late charges, and charges for labor and materials for work performed in accordance with these Rules. The rendering of a bill for any such charges shall be deemed notice of such charge.
- c. If a customer or owner disputes a fee, charge, or determination by the Utility, the following procedures shall apply:
 1. The affected customer or owner shall first contact the Utility's Customer Support Department within twenty (20) days after notice of the fee, charge, or determination at issue to discuss the dispute with a Customer Support Department representative. For purposes of this paragraph, the monthly bill shall constitute notice of any fee or charge. For all other determinations by the Utility, notice is considered provided once the written determination has been mailed to the affected customer or owner.
 2. If the matter is not resolved to the satisfaction of the customer or owner after talking with a Customer Support Department representative, the customer or owner, as the case may be, shall discuss the determination with a supervisor in the Customer Support Department. If after discussion with the supervisor, the matter is still not resolved, the customer or owner shall discuss the determination with the Chief Customer Officer for the Utility.
 3. If the matter is still not resolved to the satisfaction of the customer or owner after talking with the Chief Customer Officer, the customer or owner may request an administrative hearing. This request shall be made after the matter has been discussed with the Chief Customer Officer, but in no event later than thirty (30) days after notice of the fee, charge, or determination at issue.
 4. If a customer or owner requests a hearing, the facts concerning the dispute along with a clear request for an administrative hearing shall be submitted in writing to the Chief Customer Officer for the Utility at 200 E. Berry St., Ste. 130, Fort Wayne, IN 46802 or via e-mail. Upon receipt of a request for an administrative hearing by a customer or owner, the Chief Customer Officer will schedule a hearing at which the customer or owner may appear and be heard.
 5. The Director of the Utility shall designate a hearing officer who shall conduct, as soon as practicable, an informal hearing to determine the circumstances and facts and resolve the dispute. The hearing shall be electronically recorded. A transcript of the hearing shall be provided, upon request of the customer or owner, at the cost of \$1.00 per page.

6. The hearing officer shall render a decision at the close of the hearing, or within sixty (60) days thereafter. The determination by the hearing officer shall be final and shall constitute the final administrative determination.
- d. A party aggrieved by the final administrative determination shall have the right to judicial review of such determination in accordance with and pursuant to the provisions of applicable Indiana law.

17. PRESENT RULES SUPERSEDE PRIOR RULES

All rules and regulations heretofore promulgated by the Water Pollution Control Utility governing the service supplied by the Utility are superseded and replaced by these Rules and Regulations of the Water Pollution Control Utility as most recently adopted by the Board of Works and/or other specifications, rules and regulations referred to herein and made a part hereof.

18. REMEDIES NOT EXCLUSIVE

The remedies provided to the Water Pollution Control Utility by these Rules and Regulations shall not be exclusive and shall be in addition to all other remedies which the Water Pollution Control Utility has in law or equity.

19. AMENDMENTS AND REVISIONS

The Board of Public Works of the City of Fort Wayne, Indiana, reserves the right, by appropriate action, to amend, modify, delete, change or otherwise revise these Rules and Regulations as it may deem, from time to time, to be desirable and/or necessary.

20. INCORPORATION OF WATER POLLUTION CONTROL UTILITY POLICIES

The following policies of the Fort Wayne Water Pollution Control Utility are hereby incorporated by reference into these Rules as if fully set forth herein.

- Policy of the Fort Wayne Board of Public Works Regarding Public and Private Wastewater (Sewer) System Infrastructure and Extension of Sewer Mains