

FORT WAYNE WATER POLLUTION CONTROL UTILITY
(WASTEWATER UTILITY)

FORT WAYNE, INDIANA

GENERAL RULES AND REGULATIONS

AS AMENDED MAY, 2002

In accordance with the statutes of the State of Indiana and the Fort Wayne Code of Ordinances, as most recently amended, the Board of Public Works has established the following General Rules and Regulations for the safe, economical and efficient management and operation of the City's Water Pollution Control (Wastewater) 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.

THE NATIONAL CATEGORICAL PRETREATMENT STANDARDS LOCATED AT 40 CFR CHAPTER 1, SUBCHAPTER N, PARTS 405-471 ARE HEREBY INCORPORATED INTO THESE RULES AND REGULATIONS AS FULLY AS IF SET OUT HEREIN.

1. **DEFINITIONS**

For the purposes of these Rules and Regulations, words and terms shall have their ordinary and usual meanings.

Words and terms used herein shall have meanings as defined in either the Fort Wayne Code of Ordinances, as most recently amended (Chapter 51), or as appropriate to the context used.

"**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. 466, as referred to at IC 13-18-13.

"**APPLICABLE PRETREATMENT STANDARDS**" - Any pretreatment limit or prohibitive standard (federal, state and/or local) contained in the ordinance and considered to be the more restrictive with which non-domestic users shall be required to comply.

"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.

"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 NATIONAL STANDARD" - Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Section 307(b) and (c) of the Act (33 U. S. C. 1317) which apply to a specific category of industrial users which appear in 40 CFR Chapter 1, Subchapter N.

"CLASSIFICATION OF USERS" - Customers of the Water Pollution Control (Wastewater) 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.** Includes any user of the City's treatment works which is identified in the Standard Industrial Classification Manual, 1972, Office of Management and Budget, as amended and supplemented, under the following divisions; Division A-Agriculture, Forestry and Fishing; Division B-Mining; Division D-Manufacturing; Division E-Transportation, Communications, Electric, Gas and Sanitary. **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 blowdown 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 industries comprised of categorical and non-categorical industries and shall further be defined as set out at 40 CFR 403.3(t).

- 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.

"COLLECTION SYSTEM" - The network of sewers and appurtenances used for collecting, transporting and pumping sewage to the Water Pollution Control (Wastewater Treatment) 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 (Wastewater Treatment) 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 OR CONSUMER" - The person having any interest, whether legal or equitable, sole or only partial, either as tenant, contract purchaser or owner, in any property which is, or is to be, connected to a public sanitary sewer, either

temporarily or permanently, by the Water Pollution Control (Wastewater) Utility and all those having such interest.

"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.

"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, sewer receptacle 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 (Wastewater Treatment) 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.

"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.

"GROUND GARBAGE" - Garbage that is shredded to such a degree that all particles will be carried freely in suspension under

the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in any dimension.

"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 (Wastewater Treatment) Plant.

"INDIRECT DISCHARGE" - The introduction of pollutants into the collection system from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.

"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" - Principal sewer to which collector sewers are tributary. Interceptor sewers convey wastewater to the Water Pollution Control (Wastewater Treatment) Plant or other disposal facilities.

"INTERFERENCE" - A discharge, alone or in conjunction with a discharge or discharges from other sources, which both:

- a) inhibits or disrupts the Water Pollution Control (Wastewater Treatment) Plant, its treatment processes or operations, or its sludge processes, use or disposal; and
- b) therefore, is a cause of a violation of any requirement of the Water Pollution Control (Wastewater Treatment) Plant's National Pollutant Discharge Elimination System (NPDES) permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean

Water Act, the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

"IPS" - Industrial Pretreatment Section of the Water Pollution Control (Wastewater Treatment) Plant.

"METER" - A mechanical 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 the City Utilities for service rendered to a customer at his 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.

"MONTHLY METER SERVICE FEE" - A charge assessed each customer to recover administrative costs and those associated with billing, meter reading and maintenance of the water system, based on the size of the meter.

"NPDES PERMIT" - The National Pollutant Discharge Elimination System Permit issued by the Indiana Department of Environmental Management (IDEM) for discharges of waste waters to navigable waters of the United States pursuant to Section 402 of 33 U.S.C. 466.

"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. For the purposes of these Rules and Regulations, a contract purchaser is not considered an owner unless the contract has been duly recorded in the Allen County Recorders Office.

"PASS THROUGH" - A discharge which exits the Water Pollution Control (Wastewater Treatment) 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 (Wastewater Treatment) 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)" - All facilities and systems for collecting, transporting, pumping, treating, and disposing of sewage and sludge, including the Water Pollution Control (Wastewater Treatment) Plant and the sanitary, storm, and combination sewer collection systems, whether or not in active use, which are owned by a state, municipality, city, town, special sewer district, or other publicly owned or financed entity.

"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 (Wastewater) 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.

"SERVICE CHARGE" - A charge levied on a user of the treatment works that includes the user charge, a charge for local

capital costs, and may include other charges for current services.

"SEWAGE" - The water-carried wastes from residences, business buildings, institutions and industrial establishments, 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.
- d) **SANITARY SEWER.** A sewer that carries domestic and industrial sanitary sewage and to which storm, surface, groundwaters and unpolluted industrial wastewaters are not intentionally admitted.
- e) **STORM SEWER.** A sewer designated or intended to convey only stormwater, surface runoff, street wash waters and drainage and not intended for sanitary sewage and industrial wastes other than unpolluted cooling water.

"SEWER BILLING FEE" - The monthly billing charge that covers administrative costs associated with billing, which includes the costs of reading the meter.

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

"SIGNIFICANT NON-COMPLIANCE" (SNC) - Significant Non-Compliance is defined as set out in 40 CFR 403.8(f)(2)(vii).

"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.

"STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE" - A classification pursuant to the Standard Industrial Classification Manual used by the U.S. Office of Management & Budget.

"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 (Wastewater Treatment) Plant, or a designee.

"TEN STATE STANDARDS" - *Recommended Standards for Wastewater Facilities on the Great Lakes - Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers*. Most recent addition.

"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 CHARGE" - A charge imposed on the users of the Water Pollution Control (Wastewater) Utility to defray the cost of operation, maintenance and replacement.

"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 (Wastewater 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 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 (WASTEWATER TREATMENT) PLANT (WPC PLANT)" - The arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge, which is owned, controlled and maintained by City Utilities.

"WATER POLLUTION CONTROL UTILITY (WASTEWATER 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 City Utilities 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 Water Resources Department in accordance with Section 5 - EXTENSION OF CITY SEWERS of these Rules and Regulations. 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 is executed by the City Utilities Water Resources Department.

A connection to the public sewer may be accomplished as follows:

- a) Where a tap-in connection is employed, the point of connection shall be where the end of the building sewer meets the inside face of the public sewer and the tapping "saddle and/or joint" shall be considered part of the building sewer.
- b) Where fittings (T's or Y's) are employed, the connection shall be where the end of the first pipe meets the end of the fitting and the said T or Y fitting shall be considered a part of the building sewer.

Any property that has a public sewer available but is not connected shall 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 New Water & Sewer Permit Office, Room 270, City-County Building, Fort Wayne, IN.
- 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 private 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 City Utilities Water Resources Department Development Criteria/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 City Utilities Water Resources 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 City Utilities Water Resources 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. No person shall connect any roof downspout, exterior foundation drain, or other source of surface runoff or groundwater to a building sewer or building drain that is connected either directly or indirectly to a sanitary sewer of the Water Pollution Control Utility (Wastewater Utility).
- K. The connection of the building sewer into the public sewer shall conform to these applicable Rules and Regulations. All such connections shall be made gastight and watertight. Any deviation of the prescribed procedure or material must be approved by the City Utilities Water Resources Department before installation.
- L. The Board of Public Works shall have the authority to require an owner of real property to disconnect any downspouts, yard drains or other drains which carry natural precipitation runoff from a building sewer and which drain into a sanitary sewer. Property owners shall have thirty (30) days after notice thereof to comply with any such requirement.
- M. The Board of Public Works 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.
- N. The Board of Public Works 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.

- O. 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.
- P. 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.
- Q. 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 City Utilities, 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 estop the City Utilities from charging and collecting such costs at any subsequent time.
- R. From time to time, the Board of Public Works 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 Board of Public Works of a note, mortgage, lien document or other evidence of obligation acceptable to the Board of Public Works.
- S. 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.
- T. 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.
- U. Sewer tap permits shall be obtained from the City Utilities New Water and Sewer Permit Office and shall be issued only to licensed sewer tap contractors, 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 Water Resources 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 New Water and Sewer Permit Office 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 New Water and Sewer Permit Office.

- V. In cases of requests for connections to newly constructed mains prior to acceptance by the Board of Public Works, a Prime Contractor's Release must be executed and granted through the City Utilities Water Resources Department and submitted to the New Water and Sewer Permit Office. Upon satisfaction of all other requirements, a permit for connection may be issued.
- W. 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 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.
- X. City Utilities shall have the authority to repair, as deemed necessary, building sewers or building sewer connections when City Utilities has determined 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.

The property owner shall reimburse City Utilities for a portion of 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.

The cost of the repair billed to the property owner may be limited and the property owner's share may be financed over time when the property owner qualifies under the guidelines established by the Board of Public

Works' "Tap Repair Policy," which is specifically incorporated as a part of these Rules and Regulations.

4. **LICENSED BUILDING SEWER CONTRACTORS**

- A. In order to maintain strict control and quality of the collection system, all contractors and/or plumbers who connect, install, repair and/or replace a sanitary sewer tap shall be required to have a valid sewer license or registration. Examinations shall be required for new applicants, for those whose licenses have been expired for more than one (1) year and for those whose licenses have been suspended (see paragraph H).
- B. Plumbers who connect, install, repair and/or replace sanitary sewer taps and are currently licensed with the State of Indiana shall register with the City Utilities New Water and Sewer Permit Office as a building sewer contractor, and upon registration shall be exempt from examination.
- C. The examinations will require the knowledge of installation, workmanship, materials, safety and health regulations, liability, Department of Water Resources Development Criteria/Standards Manual, Chapter 51 of the Fort Wayne Code of Ordinances, and any other necessary information to determine the experience and knowledge of the contractor to install a building sewer. A score of seventy (70%) percent shall be required in order to pass the examination. There shall be a one-week time interval before the applicant can repeat the examination.
- D. After successfully passing the examination, or being exempted therefrom, the Contractor may purchase a license or registration for the current calendar year, renewable annually on the first day of each succeeding year, to install building sewer taps.
- E. An annual fee of Fifty (\$50.00) Dollars shall be paid to the New Water and Sewer Permit Office by each licensed or registered sewer tap contractor.
- F. The contractor shall post a Performance Bond and Certificate of Liability Insurance with City Utilities New Water and Sewer Permit Office.

- G. Contractor/Plumber must obtain a City Utilities Water Resources Department Development Criteria/Standards Manual and maintain it in an up-to-date form.
- H. At the request of the Board of Public Works, but not more than once a year, all licensed or registered sewer tap contractors shall be required to attend a seminar sponsored by Fort Wayne City Utilities. This seminar shall include information about installation, workmanship, materials, safety and health regulations, liability, Department of Water Resources Development Criteria/Standards Manual and Chapter 51 of the Fort Wayne Code of Ordinances.
- I. License/registration may be suspended if proper compliances are not met as outlined in Chapter 51. If the license is suspended as a result of lack of compliance with any section of Chapter 51 or these Rules and Regulations, the Director shall require that the contractor: 1) bring into compliance the work that was the cause of the suspension, 2) successfully pass the registration examination as outlined in paragraph A above, and 3) pay the registration fee prior to being re-licensed.

5. **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. Plans for any public sewer extension must be approved by City Utilities Water Resources Department. All extensions must be designed and constructed in accordance with the City Utilities Water Resources Department Development Criteria/Standards Manual, and in compliance with the "Ten State Standards".

The public sewer extension shall be extended within the right-of-way or an approved easement. The extension shall terminate at the point where the most remote tap would be made. In instances where the sewer extension parallels or is in close proximity to adjacent property, a public right of way or easement must be provided to

permit the extension of the sewer by others to serve the adjacent property.

- C. If a sewer is in an easement for several sewer sections, a manhole shall be installed on that sewer within the right-of-way of a crossing street in order to provide access for truck mounted maintenance equipment.
- D. Review of the plans and inspection prior to and during construction by the Industrial Pretreatment Section (IPS) of the Water Pollution Control (Wastewater Treatment) Plant and/or City Utilities Water Resources Department shall be at the expense of the developer. The charge for review and approval of the sewer plans and inspection during installation of the sewers shall be satisfied by the developer at the time a contract for sewer extension is executed.
- E. 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.
- F. 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 Utilities Water Resources Department for more information about the petition process.

6. **LIMITATION OF CONCENTRATIONS PERMITTED IN 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 (Wastewater Treatment) Plant, the disposal of its sludge, and its discharge to the receiving stream, hereby limits the discharge of toxic

ions, compounds, or substances entering the public sewage system not to exceed the concentration listed below:

<u>Constituent</u>	<u>Daily Maximum Limitation (mg/l)</u>
Arsenic	0.10
Cadmium	0.70
Chromium (Hexavalent)	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

In addition to those pretreatment limitations specified in their individual pretreatment permits, photographic finishing industries will be limited to a daily maximum silver effluent limitation of 4.00 mg/l based on a maximum flow of 400,000 gallons per day per photographic discharger.

Non-major industries which discharge silver above the detection limit for silver (.01 mg/l) may be subject to pretreatment permits.

B. 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:

- a) U.S. EPA memorandum, January 21, 1992 - Determining Industrial User Compliance Using Split Samples.
- b) Resolving Compliance Disputes, June 24, 1994 - Memorandum from City of Fort Wayne Law Department to Greater Fort Wayne Water Quality Subcommittee, and flow chart of same date.

6.1 **LIMITATION OF CONCENTRATION OF OIL AND GREASE AND ACCEPTABLE RANGE OF pH.**

- A. Oil and grease (O&G) may be discharged to the Water Pollution Control (Wastewater Treatment) Plant in a concentration of 200 mg/l total for industries and commercial establishments whose O&G wastewater discharge historically contained primarily animal/vegetable O&G in their process as determined by their Standard Industrial Classification (SIC) code listed in the SIC Manual, 1987.

Within the City of Fort Wayne service area, these industries are:

- a) Restaurants - SIC code 5812.
 - b) Bakery Products - SIC code 2051, 2052.
 - c) Potato chips and other snack foods - SIC code 2096.
- B. If it becomes necessary to restrict the 200 mg/l total O&G limit in the future in order to protect the integrity of the Water Pollution Control Utility (Wastewater Utility), no penalty shall attach 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.

C. It is the finding of the Board of Public Works that the following industries have been shown to not cause interference when total O&G is discharged in excess of 200 mg/l:

a) Dairy Products (milk) SIC code - 2026.

b) Dairy Products (ice cream) SIC code - 2024, 5143.

For the above industries such discharge shall be allowed to the extent the total O&G in the wastewater discharge does not cause interference with the public sewer system. For the purpose of determining compliance with this standard, an appropriate total O&G numerical limit shall be incorporated into such user's Industrial Wastewater Discharge Permit. The Board of Public Works grants the Superintendent limited power to evaluate the total O&G discharge of such a user and to grant such user an individual numerical total O&G limit greater than 200 mg/l (total) but no greater than 3000 mg/l.

The Superintendent's evaluation of an appropriate total O&G numerical limit for an individual user shall consider the user's historical discharge concentrations of total O&G and the impact, if any, of such discharge on the public sewer system.

The Superintendent shall monitor the effect of the user's discharge on the City's sewer system. Should the Director find that discharge at the higher, permitted level causes interference with the public sewer system, the Director shall promptly notify the user, at which point the Director shall negotiate an appropriate modification to said user's permit.

D. 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.

6.2 ADMINISTRATIVE ENFORCEMENT OF A/V O&G AND pH.

A. This section shall apply only to those users described in Section 6.1 above. All other users shall be subject to the enforcement provisions set out in the City's Enforcement Response Plan and Section 51.111 of the Fort Wayne Code of Ordinances.

- B. Routine samplings shall be conducted at least annually for all restaurants discharging to high maintenance sewer lines as designated by the Superintendent of Water Pollution Control Maintenance (WPCM). Any user found to have exceeded the 200 mg/l A/V O&G discharge limit upon initial sampling shall receive a written Notice of Exceedance. This notice may require the user to provide City Utilities' with a written explanation of its current and proposed means of regulating its O&G discharge, which plan is subject to the approval of the Superintendent of the Water Pollution Control (Wastewater Treatment) Plant. Thereafter, a second compliance sample shall be collected and analyzed by City Utilities. Based on the results of this compliance check, the following escalating administrative fines shall be assessed.

For each exceedance of the 200 mg/l limit thereafter, this fine schedule shall apply per occurrence. Further, any user found to have exceeded the 200 mg/l limit shall be subject to resampling within thirty (30) days from the date the Notice of Exceedance is mailed.

Milligrams/Liter	
201 - 300.....	\$ 200
301 - 500.....	\$ 400
501 -1000.....	\$ 600
over 1000.....	\$1,000

Excepted from the above fine schedule are users governed by O&G limits set in accordance with aforementioned Section 6.1 (C) of these Rules and Regulations. (SIC codes 2024, 2026 and 5143).

- C. 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

- D. The cost of gathering and analyzing a compliance sample following a finding of exceedance or non-compliance under 6.1 of these Rules and Regulations is built into the fine schedules set out in paragraphs B. and C. 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 (Wastewater Treatment) Plant for charges set out in Section 51.076 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 (Wastewater Treatment) 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, at a specified location or locations, to facilitate the observation, measurement, and sampling of owner's waste. Such manholes shall be constructed in accordance with the standards and specifications of the City Utilities Water Resources Department *Development Criteria/Standards Manual*. The Superintendent may also require the person to install and maintain in any such manhole, at said person's expense, an approved volume-measuring device. Plans and/or shop drawings for the installation of control manholes 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 installed in accordance with either the City Utilities Water Resources Department *Development Criteria/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 in all building sewer lines where the Superintendent has determined that any of the following conditions exist:
 - a) 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.

- b) There exists a concentration of persons discharging wastes into a public sewer through a building sewer or sewers not having control manholes.
 - c) 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.
- E. Following notification, a control manhole shall be installed within one hundred twenty (120) days. Failure to install the control manhole within 120 days shall be considered a violation of these Rules and Regulations.
- F. Control manholes 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. The cost of and responsibility for installation and maintenance of control manholes and flow-metering equipment shall be the sole responsibility of the property owner or utility user.
- H. 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. **GREASE AND SAND TRAPS**

- A. Whenever the Superintendent determines that interceptors or traps are needed to protect the collection system or the Water Pollution Control (Wastewater Treatment) Plant from oil, grease, sand, or similar substances occurring in any person's sewage and so notifies the customer, then such traps shall be promptly installed by the customer at their expense and shall be so maintained by

that person so that none of such substances can be discharged or carried over into the public sewers. All traps or interceptors shall meet the City Utilities Water Resources Department *Development Criteria/Standards Manual* standards as to construction, location, and installation.

- B. Any non-residential building sewer which will have or has the potential of discharging waste containing oil, grease, sand or similar substances, shall have a grease and/or sand trap installed in a manner to provide, at all times, the effective removal of oil, grease, and/or similar substances before discharge to the public sewer.
- C. The Water Pollution Control (Wastewater) Utility has deemed it necessary to require the installation of a grease and/or sand 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*, Chapter 7, where the Superintendent has determined that any one of the following conditions exist:
 - a) 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.
 - b) There exists a concentration of persons discharging prohibited wastes into a public sewer without the benefit of any grease, and/or sand trap.
 - c) The results of laboratory analysis have demonstrated that the strength of wastes being discharged into the public sewer are in excess of the limitations set out 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 and/or maintain an existing grease and/or sand trap.
- E. Following notification, the grease and/or sand 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.

- F. If notification is given that maintenance is required, 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.
- G. The cost of, and responsibility for installation and maintenance of grease and sand traps shall be the sole responsibility of the property owner or utility user.
- H. 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.

11. **SUBMISSION OF DATA ON INDUSTRIAL WASTE**

All industries subject to federal categorical standards shall file with the Industrial Pretreatment Section, a scan for Total Toxic Organics (TTOs) or a Toxic Organic Management Plan (TOMP) at least biannually 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.

12. **PUBLIC NOTIFICATION**

In accordance with the provisions of 40 CFR 403.8(f)(2)(viii), the City shall annually publish in Allen County's largest daily newspaper, a list of all Significant Industrial Users which are in Significant Non-Compliance.

13. **SPECIAL DISCHARGES**

- A. Any and all discharge of water from swimming pools shall be directed to a sanitary sewer. No discharge from swimming pools shall be allowed to flow, either directly or indirectly, on to the ground of the pool owner, on to the ground of other private property, or on to any public property or roadway.
- B. Swimming pool discharges are allowed in the municipal separate storm sewer system under the following conditions:
 - a) The chlorinated water must sit idle for seven (7) days following the most recent chlorination prior to discharge to a storm sewer; or
 - b) The swimming pool water must be analyzed to show that the discharge does not contain detectable concentrations of chlorine residual (less than 0.05mg/l).

Approval for discharge of swimming pool water into the storm sewer system must be given by the Superintendent of Water Pollution Control Maintenance.

- C. Under no circumstances shall anyone discharge any wastewater into any City owned or maintained inlet, catch basin or manhole without approval from the Superintendent of Water Pollution Control Maintenance.

14. **SERVICE CHARGES**

- A. General
 - a) 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.
 - b) 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.

- c) Bills shall be rendered monthly. If a bill is not paid on or before the due date indicated on the bill (approximately 15 days after the bill is mailed to the customer), the bill shall be considered delinquent. Should this remain delinquent for a period of 25 days, service may be terminated by City Utilities.

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.

- d) 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.
- e) The owner of the real estate shall, upon request to the City Utilities Customer Relations 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.
- f) 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.
- g) 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, service 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.

- h) Sewer billing shall commence with the billing for water service, the meter set date or date of occupancy whichever shall first occur.
- i) In the event the sewer user is not a metered Fort Wayne City Utilities water customer, charges shall be imposed and charged as follows:

- 1) Residential - In the event the sewer customer is served by a well or otherwise does not receive water through metered service, that user 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; multi-family dwellings shall be billed at the appropriate flat rate multiplied by the number of units accommodated.

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.

- 2) 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.

- 3) 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.
- 4) 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.
- j) 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

- a) A penalty of ten (10%) percent of the amount of the charges for sewer service shall be attached to the current delinquent charges.
- b) 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.
- c) 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.
- d) 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.
- e) 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.

15. **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 and/or Summons may be issued to such person 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 or Ordinances.

16. **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. Specific enforcement responses by the City are 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 City Utilities requiring a response by the user shall be made in writing and sent by certified mail to ensure receipt by the user.

17. **RIGHT OF APPEAL**

- A. Any party aggrieved by an order or determination of the Water Pollution Control (Wastewater) Utility other than a billing and payment issue may, within fifteen (15) days after receipt of a Notice informing such party of the decision or order, appeal such decision or order to the Board of Public Works or its designated hearing officer by filing a petition seeking such appeal with the Clerk of the Board of Public Works stating the basis of such appeal, including the alleged error in the decision or order. After receipt of such petition, the Board of Public Works or its designated hearing officer, after due and proper notice to all parties, shall hold a hearing on said petition and at the conclusion thereof or within thirty (30) days thereafter, enter a decision either affirming, denying, revising, amending, altering, or modifying such decision or order as the Board of Public Works, by majority vote, shall so rule. A party

or person aggrieved by the Board of Public Works shall have the right to judicial review of such determination in accord with and pursuant to the same provision of the Indiana Administrative Adjudication Act (4-21.5-1-1 et seq.) as are applicable to appeals and review of decisions of agencies of the State of Indiana.

- B. Any person aggrieved by any charge or billing determination by City Utilities may request and shall be granted an Administrative Appeal. Disputing the accuracy of a bill shall not be a valid reason for non-payment or partial payment of a bill by the customers, and shall not stay the accrual of finance charges on the delinquency. The customer may pay a bill under protest, giving written notice that an appeal is being sought. Such written notices must be filed with the Manager of the City Utilities Customer Relations Department prior to the due date of the bill.

The customer shall first discuss the determination with a Supervisor. If the dispute is not resolved to the customer's satisfaction, the facts concerning the dispute shall be reduced to writing by the customer. The customer and City Utilities may submit, in writing, any information they deem appropriate, to the Director, or a designated hearing officer who shall conduct, as soon as practicable, an informal hearing to determine and resolve the dispute. The Determination by such hearing officer shall be final and shall constitute the final administrative determination pursuant to IC 4-21.5-1-1 et seq.

18. **PRESENT RULES SUPERSEDE PRIOR RULES**

All rules and regulations heretofore promulgated by the Water Pollution Control (Wastewater) Utility governing the service supplied by the Utility are superseded and replaced by the foregoing Rules and Regulations of the Water Pollution Control (Wastewater) Utility and/or other specifications, rules and regulations referred to herein and made a part hereof.

19. **REMEDIES NOT EXCLUSIVE**

The remedies provided to the Water Pollution Control (Wastewater) Utility by these Rules and Regulations shall not be exclusive and shall be in addition to all other remedies

which the Water Pollution Control (Wastewater) Utility has in law or equity.

20. **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.

APPROVED by the Board of Public Works in its regular meeting, May 15, 2002.

**CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS**

Ted Rhinehart, Chairman

John Suarez, Member

Denise Porter-Ross, Member

ATTEST:

Carolyn S. Newport, Clerk

RESOLUTION NO. 89-103-27
POLICY CONCERNING COST OF BUILDING SEWER OR TAP REPAIR

WHEREAS, private building sewers, including the tap to the public sewer main, are the responsibility of the owner of the property served to maintain and repair; and

WHEREAS, a broken building sewer or tap may cause damage to the public sewer system or to a street, alley or other surface improvement in the public right of way and become a general detriment to the public; and

WHEREAS, the depth, location and size of the public sewer may have a significant impact on the cost of repairing a building sewer and/or tap; and

WHEREAS, the portion of the building sewer or tap that is most costly to repair is typically the portion within 20 feet of the public sewer main or the portion within the public right of way; and

WHEREAS, the cost of repairing this portion of the building sewer or tap typically exceeds \$3,700.00; and

WHEREAS, The Board of Public Works has previously passed a Resolution No. 80-165-5, which initially addressed the subject of this Resolution; and

WHEREAS, The Board of Public Works desires to revise said Resolution No. 80-165-5 and to establish this policy under which the City and the property owner may share in the cost for repairing that portion of the building sewer most affected by main depth, location and size in those circumstances where the cost exceeds the typical price. Further, the Board of Public Works wishes to provide the property owner with a financing mechanism for its share of the cost when the owner meets the guidelines contained in this policy.

NOW THEREFORE, be it resolved by the Board of Public Works of the City of Fort Wayne, Indiana that:

1. This policy shall only apply to building sewers and taps serving residential properties. A residential property is defined in the *City of Fort Wayne, Indiana Code of Ordinances* 51.050 (A) (12) as "a building used as a one or two-family dwelling."
2. If the repair is located within 20 feet of the public sewer main or within the public right of way, and the

cost of the repair exceeds \$3,700.00, the property owner's share of the cost may be capped at \$3,700.00 and Fort Wayne City Utilities shall pay the balance of the cost if all other requirements of this policy are met.

3. The cost of the repair undertaken by the property owner shall be documented by a submittal of three written quotes from licensed sewer tap contractors. The Water Pollution Control Maintenance Department (WPCM) shall review quotes. If the WPCM staff determines all quotes are unreasonably high, City Utilities may request quotes from three additional firms. If the WPCM staff finds that the quotes do not represent a fair price for the work, an outside engineering firm may be retained by City Utilities to review the quotes and/or prepare an estimate of the cost of the repair work.

City Utilities shall pay only the documented amount that is in excess of the \$3,700 cap but shall not pay more than the difference between \$3,700 and the total cost shown in the lowest quote. If the estimate by an outside engineering firm retained by City Utilities is determined to be the fair price for the work, City Utilities shall pay only the difference between the \$3,700 cap and the total amount for the work determined by the outside engineering firm to be reasonable.

4. In order to be considered for the cost share program, the property owner or contractor must notify the Water Pollution Control Maintenance Department of a tap problem before any excavation or repair work is undertaken.
5. WPCM shall determine if the disrepair is causing damage to the public sewer system or to a surface improvement. If no damage is resulting to the public sewer system or to a public surface improvement, and if the disrepair is located more than 20 feet from the public sewer main or is outside the public right of way, Fort Wayne City Utilities is under no obligation to participate in a repair and the property owner is not eligible for a cost share under this policy.
6. The WPCM Department shall have the authority to order property owners to make repairs to a building sewer or tap when it has been determined by WPCM that the disrepair has a detrimental effect on the public sewer system or is causing damage to street, alley or other surface improvement. Such order shall be sent to the property owner by certified-mail, return receipt

requested.

7. If the property owner fails to make the necessary repair within ten (10) days of an order to do so, or if WPCM determines that an emergency exists because of damage to the public sewer system or damage to street, alley or other surface improvement, WPCM shall make the repair or have the repair made after notifying the property owner in writing of the decision to do so. Such notification will be sent to the property owner by certified-mail, return receipt requested.
8. If WPCM makes the repair or has the repair made, City Utilities shall have the authority to charge the property owner for the first \$3,700.00 toward the total cost of the repair. The property owner shall pay to City Utilities its share of the cost of the building sewer or tap repairs within 30-days.
9. The property owner may apply to have its share financed over a period of time if the following guidelines are met:
 - A. The property owner's income can be documented to be at or below 100% of median household income as established by the U.S. Department of Housing and Urban Development;
 - B. The property owner has not had service by City Utilities discontinued for non-payment at the repair address or any other address in past two (2) years;
 - C. Housing and Neighborhood Development Services (HANDS) has approved and works with the property owner on a suggested repayment schedule. In no case shall repayment be extended over a period of longer than 36 months.
10. The financing program shall be administered by HANDS based on application of the guidelines in Section 9 of this policy. HANDS will review each application and make a recommendation to Fort Wayne City Utilities on eligibility, creditworthiness, and suggested repayment schedule. Appeal of the recommendation from HANDS shall be made to the Associate Director of Finance - Fort Wayne City Utilities.

This Resolution represents a revision of Resolution 80-165-5, and shall supersede and replace the previous Resolution on the effective date of this document.

Adopted this 3rd day of April, 2002 and effective on June 1, 2002.

BOARD OF PUBLIC WORKS

By: _____
Ted Rhinehart, Chair

By: _____
John Suarez, Member

By: _____
Lin Wilson, Member

ATTEST _____
Carolyn S. Newport, Clerk

**A RESOLUTION AMENDING THE
GENERAL RULES AND REGULATIONS
OF THE FORT WAYNE WATER POLLUTION CONTROL UTILITY
BY THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA**

WHEREAS, recently a meeting was held with members of the general public concerning the accuracy and meaning of the wording in the Regulations of the Fort Wayne Water Pollution Control Utility ("regulations"); and

WHEREAS, after said meeting the staff conducted a review of said regulations and have determined that clarification was needed with regard to the necessity of recordation to validate a "contract purchaser;" and

WHEREAS, staff recommend that the definition of "Owner" on page 7 of said regulations be amended as follows:

"OWNER" - Designates the person holding the deed or record title to a premissis. For the purposes of these Rules and Regulations, a contract purchaser is ~~not~~ considered an owner of an equitable interest in the subject real estate unless the contract has been duly recorded in the Allen County Recorder's Office. Recordation of said contract is not necessary to validate said interest."

NOW, THEREFORE, THE BOARD OF PUBLIC WORKS HEREBY AMENDS THE GENERAL RULES AND REGULATIONS OF THE FORT WAYNE WATER POLLUTION CONTROL UTILITY AS FOLLOWS:

(Pg. 7)

"OWNER" - Designates the person holding the deed or record title to a premissis. For the purposes of these Rules and Regulations, a contract purchaser is considered an owner of an equitable interest in the subject real estate. Recordation of said contract is not necessary to validate said interest."

SECTION 2. This amendment to the General Rules and Regulations shall be effective as of the 4th day of December , 2002.

Signed the 4th day of December, 2002.

**CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS**

BY: _____
Ted Rhinehart, Director

John Suarez, Member

Denise Porter-Ross, Member

ATTEST: _____
Carolyn S. Newport, Clerk

**A RESOLUTION AMENDING THE
GENERAL RULES AND REGULATIONS
OF THE FORT WAYNE WATER POLLUTION CONTROL UTILITY
BY THE BOARD OF PUBLIC WORKS
CITY OF FORT WAYNE, INDIANA**

Whereas, from time to time it is determined by the Board of Public Works that changes to the General Rules and Regulations governing the operation of Fort Wayne's Water Pollution Control Utility are necessary and desirable for the protection of the Utility's customers and the Utility; and

Whereas, in 2003 Utility staff have investigated approximately 11,000 sewer only accounts held in the names of tenants that were experiencing high past-due bills or had repeatedly had their accounts closed for non-payment; and

Whereas, it is desirable to protect tenants in these circumstances from continuing to accumulate accounts with past due bills; and

Whereas, it is desirable to outline circumstances in which past due, sewer only accounts held in tenants' names would be administratively returned to the name of the owner of the property for future bill payment.

Now Therefore, be it resolved by the Board of Public Works, that Item 14-A-d in the Water Pollution Control Utility Rules and Regulations adopted by the Board of Public Works and effective on May 15, 2002 is hereby stricken and replaced with the following:

14. A (Pg.30)

"d – i. Charges for sewer service shall be billed to the person being billed for water service if the real estate has water service provided by Fort Wayne City Utilities. If a person other than the person being billed for water service wishes to assume responsibility for payment of the charges for sewer service, that person must sign a contract with City Utilities.

d – ii. In cases where there is no water service provided by Fort Wayne City Utilities, and/or where no valid contract for sewer service exists, payment for sewer service shall remain the responsibility of the property owner.

d – iii. For sewer service accounts where Fort Wayne water is not available or where water is provided by a private source such as a well, if the Utility shall determine that the sewer service address has experienced customers with excessive uncollected billings during the most recent 12 months and such billings total in excess of \$200.00 (two hundred dollars and zero cents), Fort Wayne City Utilities shall have the right to return the account to the name of the owner of record of the real estate. Before such a change is made, the owner of record must be provided with notice in writing, sent by certified mail 14 (fourteen) working days before said change is to take effect, that such a change is to be made to the account.

In cases where the sewer account is placed in the owner's name by administrative action, responsibility for payment of future charges for sewer service shall remain with the owner of record of the real estate until such time as the property is vacated or until a new customer executes a contract for service at the given address in his/her/their name(s)."

Be it further resolved by the Board of Public Works that because it is desirable to give the Water Pollution Control Utility staff a greater ability to control abuses of sewer tap contractor's licenses, Item 4 is amended by the addition of the following:

(Pg. 18)

“J. Mishandling of a sewer tap license/registration issued by Fort Wayne City Utilities may result in the suspension of the license with reinstatement to be at the discretion of City Utilities, and said reinstatement shall be based upon the severity of the infraction. If a contractor has his/her license suspended two (2) times for mishandling and said license has been reinstated two (2) times, a third offense shall result in a permanent suspension of the license/registration.”

These amendments to the General Rules and Regulations shall be effective as of the _____ day of _____, 2004.

Signed the _____ day of _____, 2004.

**CITY OF FORT WAYNE
BOARD OF PUBLIC WORKS**

By: _____
Robert P. Kennedy, Chair

Denise Porter-Ross, Member

John Suarez, Member

ATTEST: _____
Justin Brugger, Clerk