



# **Elkhart Public Works and Utilities**

## Guide to Wastewater Utility Policies

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Public Works and Utilities  
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## Section 1.0 Definitions

Unless otherwise defined, the following terms, as used in these procedures, have the following meaning:

- 1.1 Act or the Act means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- 1.2 Approved means accepted by the Elkhart Water Utility or Board of Public Works as meeting an applicable specification stated or cited in the regulation or as suitable for the proposed use.
- 1.3 Backwater Valve means a check/flapper valve installed in the Sewer Lateral to prevent the backflow of Wastewater into a building.
- 1.4 Board means the Board of Public Works of the City of Elkhart. It is the governing body of the Publicly Owned Treatment Works.
- 1.5 Building Drain means, in plumbing, that part of the lowest horizontal piping within a building or house that conducts water, Wastewater or Storm Water to a Sewer Lateral.
- 1.6 City means the City of Elkhart, Indiana.
- 1.7 Commercial User means a source of Wastewater discharging to the POTW from business establishments including, but not limited to, stores, markets, office buildings, restaurants, shopping centers, and which is not an Industrial User as defined in this Ordinance.
- 1.8 User, Consumer, Developer or Owner is the person, firm, company, corporation, governmental unit, charitable or not-for-profit organization or association having interest, whether legal or equitable, sole or only partial, either as tenant or owner, in any property which is, or is to be, supplied with wastewater service, either temporarily or permanently.
- 1.9 Director means the person responsible for supervising the operation of the POTW, or that person's duly authorized representatives. For purposes of these policies, the Director is also the Control Authority.
- 1.10 Downspout means an exterior vertical drainage pipe for conveying Storm Water from roof or gutter drains to either a Building Drain or Sewer Lateral
- 1.11 Easement means any rights to access land not owned or controlled by the City of Elkhart that is established, acquired, dedicated or devoted to public utility purposes, including the area above and below such easement.

- 1.12 Industrial User means a source of Industrial Waste discharging to the POTW.
- 1.13 Inspector means a person authorized by the Director to perform inspection and monitoring duties to determine compliance with these policies.
- 1.14 May means that the act referred to is both permissible and approved.
- 1.15 Meter is a mechanical device used to measure and record the quantity of water consumed or wastewater discharged by the User.
- 1.16 Person means any individual, partnership, corporation, association, trust, estate, governmental entity, any other legal entity, or its legal representative, or assign.
- 1.17 Private Collector Sewer means a sewer that receives Wastewater from several Sewer Laterals or other collector Sewers and conveys the Wastewater to a Public Sewer.
- 1.18 Property Owner means the Person that is listed on the recorded deed.
- 1.19 Publicly Owned Treatment Works (POTW) means the treatment works owned by the City of Elkhart. This definition includes any Sewers, pipes, and other conveyances transporting Wastewater to the POTW treatment plant from within and outside of the City limits.
- 1.20 Public Right of Way means any public street, way, place, alley, sidewalk, park, square, median, parkway, boulevard or plaza that is dedicated to public use or is maintained by the City.
- 1.21 Public Sewer means a Sewer owned and maintained by the City for the collection of Wastewater.
- 1.22 Residential Property means a single-family dwelling unit or duplex dwelling unit used primarily as a domicile for one or more persons.
- 1.23 Residential User means a source of Wastewater discharged to the POTW from a premises used primarily as a domicile such as, a single-family dwelling, mobile home, apartment or permanent multi-family dwelling.
- 1.24 Sewer Assessment means the charge to a property owner to enable the City of Elkhart to recover the actual system-wide average current cost of construction of the sanitary Sewer.
- 1.25 Sewer means a pipe or conduit, which carries Wastewater or drainage water.
- 1.26 Sewer Lateral means the horizontal piping that extends from the end of the Building Drain to the Public Sewer or other place of disposal.

- 1.27 Sewer Lateral Stub means a connection to the sewer main and a short portion of Sewer Lateral typically installed as part of a Public Sewer installation.
- 1.28 Shall means the act referred to is mandatory.
- 1.29 Storm Sewer means a Sewer designed to transport only storm or surface water and that does not lead to a Treatment Plant.
- 1.30 Storm Water means water resulting from rain, melting or melted snow, hail or sleet.
- 1.31 Storm Water Conveyance means any structural process used for transferring Storm Water between at least two points including, but not limited to, Storm Sewers, piping, ditches, swales, curbs, gutters, catch basins, channels, storm drains and roadways.
- 1.32 User means a Person who discharges any pollutant, Wastewater or any other substance into the POTW or storm water conveyance. The term User includes both the owner and occupant of real estate that is the source of a discharge into the POTW or Storm Water Conveyance.
- 1.33 Utility means the City of Elkhart's Wastewater Utility.
- 1.34 Utility Easement means a right to land for public Utility purposes.
- 1.35 Wastewater means liquid or water-carried wastes from residential, industrial, commercial, agricultural, or other sources.
- 1.36 Wet Weather Event means a period of rainfall or snowmelt.

## Section 2.0 General

### 2.1 Jurisdiction

The Common Council, in conformance with the requirements of State statute, has granted jurisdiction to the Board of Public Works to establish reasonable rules, regulations, specifications and standards of Utility service.

The following rules, regulations, specifications, and standards shall supersede any previous policies and are for the use of the Elkhart Wastewater Utility when conducting business with Users of the Utility.

### 2.2 Conditions of Service

Prior to use of any service offered by the Utility, the User shall be responsible for ensuring all past and present debt with the Water or Wastewater Utility is paid in full.

### 2.3 Fees for Photocopying Documents

Fees for photocopying documents shall be as outlined in City Ordinance No. 4823 as amended. All fees collected shall be forwarded to the City Controller to be deposited in the appropriate Utility fund.

### 2.4 Appeals

Any disputes regarding the policies herein shall be appealed to the Board of Public Works in writing.

### Section 3.0 Unauthorized Use of Utility Services

Any unauthorized use of Utility services is a violation of the Utility policies, and the Wastewater Utility Rate Ordinance, and the Wastewater Utility Administration Ordinance. Any Person who is found to be using Utility services without the authorization of the Utility may be subject to any applicable fines.

3.1 Any unauthorized User that wishes to continue service shall establish an account with the Utility provided the following conditions are met:

3.1.1 All outstanding debt owed to the Water or Wastewater Utility shall be paid in full, including, but not limited to:

- (a) Past due balances on any previous Utility accounts; and
- (b) Any charges owed to the Utility for the period of time that Utility services were received without authorization. If the User has previously had Utility service at the same location, the average monthly usage for a period of one year shall be used to calculate the amount to be charged per month. If the User has not had service with the Utility the minimum bill shall be used to calculate the amount to be charged per month.

3.1.2 The User shall be required to pay a deposit and a turn on fee as established the Wastewater Utility Rate Ordinance.

3.2 In addition to any penalties and fines imposed upon the User as outlined in the Wastewater Utility Administration Ordinance, the Utility reserves the right to seek criminal charges.

#### Section 4.0 Staff Access to Utility Property

The Utility recommends that all permanent objects including, but not limited to, landscape features, fences, and mailboxes not be located within a five foot radius of any Utility structure or appurtenances. Objects that interfere or impede Utility staff access to any Utility property or structure may need to be removed and will not be replaced by the Utility.

## Section 5.0 Establishing Service

### 5.1 Application for Service

- 5.1.1 Any residential, commercial or industrial User applying for Wastewater service must furnish information as required by the Utility. The User shall be required to provide a signed lease or proof of ownership document , a valid government issued photo ID which includes, an identification number such as a driver's license number, taxpayer identification number or alien identification number. A proof of ownership or lease document that has been altered in any way will not be accepted. Property owners outside of the City limits shall enter into a pre-annexation agreement, prior to turning on service. A fee for the initial turn-on of service shall be applied to the User's first bill. (See the current Wastewater Utility Rate Ordinance.)
- 5.1.2 Applications shall be signed in person at the Utility Billing Office or signed and notarized prior to submitting the application via the mail, fax, or email to the Utility Billing Office.
- 5.1.3 An authorized representative of a corporation or a limited liability company may be allowed to establish service. An authorized representative may be the following:
  - (a) 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
  - (b) 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.

#### 5.1.4 Payment of Outstanding Debt

- (a) Owner-occupants and tenants that have any outstanding debt shall be required to pay all accounts in full before establishing new service or transferring service to a new location.
- (b) Landlords and management companies that have outstanding debt associated with the property where service is to be established shall

be required to pay that account in full before any Person may establish new service at that property.

- (c) Service may not be transferred to or from any landlord or management company that has outstanding debt associated with the property where service is to be transferred.

## 5.2 Deposit Required

The Utility requires a deposit for each Wastewater service in accordance with the Wastewater Utility Rate Ordinance, except where the User has established acceptable credit with the Utility. A portion of the Wastewater deposit shall be paid when the User signs up for service. Any remaining balance may appear as a charge on the User's first two bills.

Such deposit shall remain with the Utility, without interest, for the time service is to be supplied or until the User has established acceptable credit. Acceptable credit shall mean timely payment of all charges for at least 10 out of 12 consecutive months.

The Utility may apply the User's deposit to payment of water service or any other charge. The deposit shall be applied to the final utility bill when service has been terminated. Any outstanding balance shall be billed to the User. If the sewer portion of the final utility bill remains unpaid, a lien may be filed against the property. Any outstanding credit balance of \$3.00 or more on User accounts that have been finalized shall be automatically refunded via check and sent to the most current address on file. Outstanding credit balances of \$2.99 or less on User accounts that have been finalized shall be refunded upon the request of the User. The User shall request the refund from the Wastewater Utility within 60 days of receipt of the final bill showing a credit.

## 5.3 Unclaimed Deposit

Pursuant to Indiana Code Section 36-9-23-28, a deposit becomes the property of the Utility when it has remained unclaimed by the depositor for more than seven years after the termination of the Sewer services for which the deposit was made. Indiana Code Section 32-34-1, Lost or Unclaimed Personal Property, does not apply to a deposit described in this subsection.

5.4 Transferring Deposit

When a User transfers service to a new account, the deposit on the old account shall be applied to the final bill. A new wastewater deposit will be charged on the first two bills for the new account. Any credit balance shall be transferred to the new account. Any outstanding balance shall be billed to the User.

## Section 6.0 Billing

6.1 Every parcel of real estate that is connected to the POTW shall be billed in accordance with the rates and charges as outlined in the Wastewater Utility Rate Ordinance.

### 6.2 Payment of Bills

6.2.1 Charges for Wastewater service shall be due and payable on or before the due dates shown on the bills. Any Wastewater charge not paid by the due date shall be considered delinquent. The delinquent charge shall be 10% of the current balance due and shall be added to the next billing statement. Delinquent Wastewater charges, together with delinquent penalties, costs and other expenses of collection, may be collected by any lawful remedy.

6.2.2 When a payment is received it is applied to the items on the bill in the following order:

- (a) All NSF fees
- (b) Water service deposit - Delinquent and Current;
- (c) Wastewater service deposit - Delinquent and Current;
- (d) Delinquent Water usage charges;
- (e) Delinquent Wastewater volume charges;
- (f) Delinquent miscellaneous water charges including, but not limited to trip charges;
- (g) Delinquent water contracts including, but not limited to water main assessments and taps and taxes;
- (h) Delinquent miscellaneous Wastewater charges including, but not limited to trip charges;
- (i) Delinquent Wastewater contracts including, but not limited to Sewer Assessments and Sewer insurance, but not including compact agreements;
- (j) Delinquent Compact fees;
- (k) Current water usage charges;
- (l) Current miscellaneous water charges including, but not limited to trip charges;
- (m) Current Wastewater volume charges;

- (n) Current miscellaneous Wastewater charges including, but not limited to trip charges;
- (o) Current water contracts including, but not limited to water main assessments and taps and taxes;
- (p) Current Wastewater contracts including, but not limited to Sewer Assessments and Sewer insurance, but not including compact agreements;

and

- (q) Current Compact fees.

**6.3 Responsibility for Payment**

All charges follow the real estate rather than the User. If a User moves from a premises where Wastewater service has been supplied, the User will be held primarily responsible for the payment of all bills rendered for the service supplied to said premises until proper notice has been given at the Billing Office that service is to be discontinued at said premises. This attempt to collect from the User does not waive the City's rights to place a lien on the real estate for the outstanding Wastewater portion of the utility bill.

**6.4 Tenants may be Billed; Right of Owners to Examine Records.**

The Wastewater charges shall be billed to the tenants occupying the premises served, unless the property owner submits a written request for alternative billing arrangements to the Director. Such billings shall in no way relieve the property owner of liability in the event payment is not made as herein required. The property owner may inquire and receive information as to whether the Wastewater charges have been paid by such tenants.

**6.5 Property -Owner shall be Billed**

Wastewater only Utility accounts that are in the tenant's name shall be put into the property-owners name when the tenant moves from the Premises.

**6.6 Billing Disputes**

In the event there is a billing dispute, appeals must be made in writing to the Utility Billing Office within 60 calendar days of the billing date and shall be subject to approval by the Board of Public Works.

**6.7 Delinquent Accounts**

All delinquent Utility accounts may be subject to disconnection of the Water Utility service. If the Customer has not contacted the Utility within five days after the service disconnection, the account will be closed. Once the account is closed, the User must pay all charges in full with cash and reapply for service. If another Customer applies for service at the same service address, a copy of a lease and photo identification must be provided.

6.8 Extended Payment Plans

A Customer may make arrangements with the Utility Billing Office to make payments on delinquent balances. The User shall be required to pay his current amount due plus a minimum of \$25 each month, for a maximum of 10 months, until his delinquent balance is paid. Payment on the delinquent balance and all current charges is necessary to avoid disconnection.

If a Customer fails to uphold the agreement for extended payments, the service shall be subject to disconnection. Any Customer that has failed to meet a previous payment plan may not be eligible for future extended payment plans.

6.9 Credit on Sewer Bills

Requests for a credit on the sewer portion of the bill must be made in writing to the Utility Billing Office within 60 calendar days of receiving notice and shall be subject to approval by the Board of Public Works.

6.10 Unclaimed Sewer Fees

Wastewater funds that remain unclaimed by a Person for more than seven years after the termination of Wastewater service for which the overpayment was made becomes the property of the Utility.

6.11 Correction of User Overcharges and Undercharges

When a determination is made that a Customer's active Utility account has been overcharged or undercharged for Utility services by reason of inaccurate metering, clerical errors, or other causes, the error shall be remedied as promptly as possible. An adjustment shall be made for the dollar amount of the overcharge or undercharge for the time period that the erroneous charges occurred. If no determination can be made as to the exact date of the error, the adjustment shall not exceed three years prior to the date that the Utility became aware of the error.

6.11.1 Refund for Overcharge

If the total amount of the overcharge is less than or equal to \$100.00, the Customer shall be credited for the amount of the overcharge. If the amount of the overcharge is greater than \$100.00, the overcharge amount may be refunded directly to the User.

#### **6.11.2 Collection of Undercharge**

When a Customer has been undercharged, the Customer shall be promptly notified of the cause and amount of the adjustment. The undercharged amount may be added to the User's monthly Utility bill.

#### **6.11.3 Exceptions**

The previous sections shall not apply to situations in which deliberate or intentional acts of the User, or anyone acting on behalf of or for the benefit of the Customer, have resulted in an undercharge to the Customer for Utility services, including but not limited to meter-tampering or illegal connection. The Utility reserves all rights to collect the full amount of the unpaid charges by any legal means.

### **6.12 Residential Sprinkler Credit**

Residential Properties that have a single service with one meter are given a six-month sprinkler credit determined in the following manner:

6.12.1 The actual volume of Wastewater discharged into the POTW during the billing period as measured in accordance with the provisions in this Policy; or

6.12.2 The highest volume of Wastewater discharged into the POTW as reflected in the billings for the months of December in the previous year and January and February in the current year.

### **6.13 Portion of Water Not Entering POTW**

In the case of a Customer who can substantiate to the Utility that a portion of water used did not and could not enter the POTW, the Board shall either determine the portion of the measured water to be used in determining the appropriate Wastewater charges, or approve the manner and technique of flow measurement provided by the User for determining Wastewater discharged to the POTW as described in Section 6.0 of the Wastewater Utility Policies. Facilities utilized to accomplish this shall be installed and maintained in a serviceable

condition by the User at the User's expense, but shall be under the exclusive control of the Utility.

**6.14 Private Wells or Water from Other Sources**

In the event a Customer obtains water partially or wholly from sources other than the City, the total water used shall be measured or determined as follows:

6.14.1 The Wastewater discharged from all Residential Properties with City sewer service, but not City water supply, shall be 900 cubic feet per month; unless a meter is installed on the well at the request of either the User or the Utility.

6.14.2 Industrial or Commercial Users that obtain water partially or wholly from sources other than the City may be charged the minimum Sewer rate which is based on 900 cubic feet per month. However, the Utility may require the User to install a meter if any of the following criteria are met:

- (a) The total number of employees at the site over a 24 hour period exceeds 20.
- (b) The process uses significant amounts of water, believed to regularly exceed 900 cf per month.
- (c) A combination of personal water use plus production water has a reasonable potential to exceed 900 cubic feet per month.

**6.14.3 Inspection of Wells**

The Director, Inspector or any other Utility employee may enter upon private property for the purpose of determining the existence of private wells, to oversee or to direct the installation of metering or timing devices, and to read such meters and devices.

**6.15 Temporary Suspension of Billing**

Billing may be temporarily suspended for sewer only accounts where sewer service has been rendered unusable. Utility staff shall verify the status of the service prior to suspending billing.

**6.16 Other Charges**

All other charges or fees assessed by the Utility will be charged in accordance with the Wastewater Utility Rate Ordinance.



**City of Elkhart**  
**Engineering**

**ELKHART PUBLIC WORKS & UTILITIES**  
1201 S. Nappanee Street  
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Fax # 574-293-7658

***Request for Credit on Sewer Charges***

---

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Account number: \_\_\_\_\_

Monthly bill(s) request is for: \_\_\_\_\_  
(Do not send a copy)

Address: \_\_\_\_\_

Phone number(s): \_\_\_\_\_

Reason for request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Please fill out this form completely.***

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***Authorized by Public Works***

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***Date***

## Section 7.0 Meters

### 7.1 Significant Industrial User Metering Requirements

The Director shall require all significant industrial users ("SIUs") to maintain a discharge Meter at each point of connection to the POTW to allow for flow-proportional sampling and to verify wastewater discharge quantities unless an exemption is granted in accordance with 7.1.2. Additionally, the Director shall require each categorical industrial user to maintain a discharge Meter at the end of each process subject to a categorical pretreatment standard unless an exemption is granted in accordance with 7.1.2. The Director shall verify that the Utility does not object to the type of discharge Meter to be used at a particular location and its configuration. Discharge Meters that meet the specification described in 7.1.1 shall generally be acceptable except where the Director finds the device unreliable or otherwise unsuitable.

#### 7.1.1 The Director shall generally require all meters to:

- (a) Read in gallons; and
- (b) Measure all of the Wastewater being discharged into the point of connection with the POTW or from a process subject to a categorical pretreatment standard ; and
- (c) Must be capable of outputting a signal usable by the Utility's sampling equipment at the associated sampling location; and
- (d) Be a magnetic flow Meter; or
- (e) Be a non-contact discharge Meter with radar level technology and a flume, typically located in a control/metering manhole.

#### 7.1.2 The Director's determination that an SIU's point of connection to the POTW does not require a discharge meter shall be based on the following:

- (a) Where a facility has multiple points of connection to the POTW, the Director shall require the SIU to verify the Wastewater flows from each point of generation in the facility to each point of connection to the POTW. Methods for verifying can include, dye tracing, Sewer televising, tracing observable piping, or other methods approved by the Director.
- (b) The Director may grant an exemption for a point of connection that is verified in accordance with 7.1.2(a) to only include Wastewater

from a restroom(s) and/or a breakroom(s) without meeting the requirements of 7.1.1(c) and 7.1.1(d).

(c) Except as described in Section 7.1.2 (b), the Director shall not grant an exemption when the SIU:

- (1) Utilizes private wells that ultimately discharge to the POTW;
- (2) Claims and desires a bill credit for significant evaporation;
- (3) Has cooling towers, boilers, or water treatment systems except for where water losses or additions from such system are de minimis (up to two percent (2%) of average daily flow);
- (4) Has large quantities of water going into product;
- (5) Discharges Wastewater in batches; or
- (6) Has multiple points of connection to the POTW.

(d) Except as described in Section 7.1.2 (b), the Director may not grant an SIU an exemption unless the SIU demonstrates that time-proportional sampling is acceptable, as described below. For the purposes of this section, the operating day is considered the production time, plus any other regularly conducted cleaning, maintenance, or other related activities that could result in industrial discharge within a calendar day. Either the flow must be proven to be constant or the concentration of pollutants having a limit in the SIUs Industrial Wastewater Discharge Permit must be proven to be constant.

- (1) The Director will consider the flow constant for a point of discharge to the POTW if at that point of discharge to the POTW the SIU demonstrates, using equipment acceptable to the Director, that:
  - (i) The flow rate for eighty-seven and a half percent (87.5%) of hours in an operating day is within plus or minus fifteen percent ( $\pm 15\%$ ) of the average flow rate per hour for the operating day for 25 days in a consecutive 30 operating day test period;
  - (ii) The flow rate for every hour in each operating day is within plus or minus thirty percent ( $\pm 30\%$ ) of the

average flow rate per hour for the operating day for all days in a 30 day test period; and

(iii) Where the Director determines, based on evidence supplied by the SIU, that the Meter used for determining the wastewater flow rate was not working correctly, the flow rate for the impacted hours in the operating day will be assumed, for the hours in which the Meter was not working, to not be within plus or minus fifteen percent ( $\pm 15\%$ ) of the average flow rate but within plus or minus thirty percent ( $\pm 30\%$ ) of the average flow rate.

(2) The Director will determine that the concentration of pollutants are consistent if the following apply:

(i) The SIU has not had a violation in the last five (5) years of a discharge limitation listed in the SIU's Industrial Wastewater Discharge Permit; and

(ii) The SIU conducts special sampling, meeting the following requirements:

(A) The sampling must include two rounds of grab samples each day over four consecutive days with each round of samples analyzed for every parameter listed as a composite sample in the SIU's Industrial Wastewater Discharge Permit. The samples must be collected as follows unless the Director approves changes to the sampling where the Director finds that changes will aid in producing a better understand of pollutant concentrations:

a. Divide the typical operating day into eight even periods;

b. The first round of grab samples must be collected on the first day at the end of the first period;

- c. The second round of grab sample must be collected on the first day at the end of the fifth period;
- d. The third round of grab samples must be collected on the second day at the end of the second period;
- e. The fourth round of grab samples must be collected on the second day at the end of the sixth period;
- f. The fifth round of grab samples must be collected on the third day at the end of the third period;
- g. The sixth round of grab samples must be collected on the third day at the end of the seventh period;
- h. The seventh round of grab samples must be collected on fourth day at the end of the fourth period; and
- i. The eighth round of grab samples must be collected on the fourth day at the end of the eight period.

(iii) Sampling and analysis must be in accordance with the SIU's Industrial Wastewater Discharge Permit other than collecting the samples as grab samples.

(iv) The report must include the mean and standard deviation for each parameter. For results where the parameter was not detected, one half of the detection limit must be used for that result to calculate the mean and standard deviation.

(v) The concentration of pollutants is considered to be constant if:

(A) The mean plus two standard deviations is less than the discharge limits listed in the SIU's

(B) If the standard deviation of the sampling results for each parameter is equal to 30% or less of the mean of the results for that parameter.

7.1.3 The Director may revoke an exemption for good cause, including, but not limited to, the following reasons:

- (a) Failure to meet discharge limitations listed in the SIU's permit;
- (b) Changes to the Wastewater discharged by the SIU;
- (c) Changes to the operations of the SIU;
- (d) Errors, misrepresentations, or failures to fully disclose all relevant facts about Wastewater, operations, and connections to the POTW;
- (e) Tampering with monitoring equipment; and
- (f) Refusing to allow the Director timely access to the facility premises and records.

#### 7.2 Single Meter Serving More than One User

The Utility shall establish one account in the Property's Owners name where two or more premises discharge Wastewater into the POTW and are served by a single Meter.

#### 7.3 Meter Approval for Billing Purposes

7.3.1 The Director may require an industrial or commercial user to install a discharge Meter(s) or replace an existing discharge Meter(s) where the Director finds that an existing discharge Meter(s), water Meter(s), or a water Meter(s) in combination with a subtract Meter(s) is either not sufficiently reliable for billing purposes or is not compatible with the Utility's wireless billing equipment. Director shall verify that the Utility does not object to the type of discharge Meter to be used at a particular location and its configuration. Discharge Meters that meet the specification described in 7.3.2 shall generally be acceptable except where the Director finds the device unreliable or otherwise unsuitable.

7.3.2 All Meters are generally required to:

- (a) Read in gallons; and

- (b) Be capable of outputting a signal usable by the Utility's wireless billing equipment. The signal must be transmitted to a location so that, when connected to the Utility's wireless billing equipment, the Utility's receivers are able to read the signal from outside the premises of the Industrial or Commercial user; and
- (c) Be a magnetic flow Meter; or
- (d) Be a non-contact discharge Meter with radar level technology and a flume, typically located in a control/metering manhole, that is acceptable to the Director.
- (e) Be a non-contact discharge Meter with radar level technology and a flume, typically located in a control/metering manhole.

#### 7.4 Registering Inaccuracy

In accordance with the Wastewater Utility Rate Ordinance, the Utility may require a Meter to be tested if the Utility suspects that the Meter is not registering accurately. A billing adjustment shall be made for the difference during the time of the malfunction up to a period of one year if the Meter is found to not be registering accurately as defined by industry standards or manufacturer guidance. If a Meter is found not to register for any period, the Utility shall estimate the charge for the Wastewater discharged to the POTW based on previous, representative discharges.

## Section 8.0 Discontinuance of Service

### 8.1 User Request

Whenever a User desires to have service turned off, they shall notify the Utility Billing Office at least two working days prior to the date in which service is to be turned off. If applicable, the User shall provide access to the meter so the Utility may obtain the final meter reading. There will be no abatement of charges in whole or in part by reason of the extended absence of the Customer or for any other cause unless the Utility has been notified to turn off the service.

### 8.2 Disconnection for Non-Payment

If a bill is not paid before the due date indicated on the bill, the User will be considered delinquent and the Utility may disconnect water service, if applicable. Failure to receive the bill shall not affect the right of the Utility to disconnect service for nonpayment.

Water service may be disconnected for failure to pay any water or Wastewater bills or other charges in connection with Water or Wastewater Utility services or installation.

The Customer may appeal, in writing, to the Board of Public Works prior to disconnection if the Customer believes that there is an error with the account scheduled for disconnection.

## Section 9.0 Permanent Disconnection

If a property owner wishes to permanently disconnect from the Public Sewer, they must request, in writing, permission to do so from the Board. This shall be done on forms provided by the Utility and shall include a plan to physically disconnect from the Public Sewer which must be approved by the City Engineer. A recorded Warranty Deed shall be provided to the Utility when the property owner submits his request for permanent disconnection from the Public Sewer. Once the request is approved by the City Engineer and the Board, the property owner shall obtain a Permanent Disconnection Permit. A permit fee shall be paid to the Utility. If the property owner has any outstanding Utility debt associated with this property, they will be required to pay it in full in order to receive the permit. The permit holder shall notify the Utility at least one working day prior to starting the disconnection. Upon completion of the disconnection, the property owner must notify the City Engineer or their designee that the work is ready for inspection and it shall not be covered until the disconnection is approved by the Utility. Once the disconnection is completed and approved, billing will be discontinued.



*City of Elkhart*  
*Engineering*

**ELKHART PUBLIC WORKS & UTILITIES**  
1201 S. Nappanee Street  
Elkhart, IN 46516  
Ph. 574-293-2572  
Fax # 574-293-7658

## **Sewer Disconnection Request**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Account number: \_\_\_\_\_

Address: \_\_\_\_\_

Phone number(s): \_\_\_\_\_

Reason for request: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed method of disconnection: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Please fill out this form completely.***

---

Authorized by Public Works

Date



**City of Elkhart**  
*Engineering*

**ELKHART PUBLIC WORKS & UTILITIES**

1201 S. Nappanee Street

Elkhart, IN 46516

Ph. 574-293-2572

Fax # 574-293-7658

**Sewer Disconnection  
Permit**

Permit Number: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Paid: \_\_\_\_\_ \$25.00

**Property Owner:**

---

Address: \_\_\_\_\_

---

Phone: \_\_\_\_\_

---

Account #: \_\_\_\_\_

---

Address of work to be done: \_\_\_\_\_

**Permit issued to:**

---

Address: \_\_\_\_\_

---

Phone: \_\_\_\_\_

Date disconnection process is to begin: \_\_\_\_\_

Permit will expire on: \_\_\_\_\_

In order to obtain a Sewer Disconnection Permit, the following is required:

- (a) Sewer Disconnection Request form has been submitted to Elkhart Public Works & Utilities including detailed information on proposed method of disconnection. Approval has been granted by the Utility Engineer and the request has been approved by the Board of Public Works.
- (b) Any outstanding wastewater debt must be paid prior to obtaining a permit.
- (c) Permit holder shall notify the Utility at least one working day prior to starting the disconnection
- (d) The disconnection permit fee is \$25.00.

---

Signature of issuing authority

---

Date

## Section 10.0 Sewer Construction Standards

10.1 The size, shape, alignment, and materials used in construction of a Sewer Lateral or Public Sewer shall conform to the requirements of the City's Plumbing Ordinance, the Standard Construction Specifications for the City of Elkhart, as adopted by the Board, and other applicable State and City rules and regulations, as amended.

### **10.2 Excavation Permits**

No Person shall make an excavation of any kind in or under the surface of any Public Right of Way without first having secured an Excavation Permit from the Utility for each separate excavation to be made. An Excavation Permit shall also be required for any Excavations for the installation or repair of Sewers and water supply lines between the Public Right of Way and any building provided with Sewer or water service.

### **10.3 Use of Existing Sewer Lateral for a New Building**

Existing Sewer Laterals that may have been abandoned may be used in connection with new buildings only when they are determined, upon inspection and testing supervised by the Utility, to meet all requirements.

### **10.4 Elevation and Location of Sewer Lateral**

Whenever reasonably possible, the Sewer Lateral shall be brought to the building or house at an elevation below the lowest floor or as defined in the City Construction Specification Standards. In all buildings in which any Building Drain is too low to permit gravity flow to the appropriate Public Sewer, Wastewater carried by such Building Drain shall be lifted by an appropriate means, at the User's expense, and discharged to the Sewer Lateral.

### **10.5 Inspection of Connection**

The Utility shall be notified when a Sewer Lateral is ready for connection to the POTW. Notification shall be made in accordance with the Utility's standard inspection procedures. The connection shall be made under the observation of the Inspector using materials and techniques that conform to all applicable Utility requirements. The applicant shall give notice before covering the Sewer Lateral and it shall not be covered until the connection is approved by the Utility.

## Section 11.0 Sewer Assessment Charges

Charges made to property owners for connections to the POTW shall be in accordance with the current schedule of charges outlined in the Wastewater Utility Rate Ordinance. The Common Council may amend these schedules as necessary. Sewer assessment fees shall be calculated on the total frontage of all parcels contained within the legal description of such address with a minimum of 50 feet. For corner lots the frontage shall be determined by the portion of the property adjacent to the Sewer the customer is connecting to unless otherwise approved by the Utility. To accurately calculate the cost of such assessment the property owner must supply a recorded Warranty Deed of the property. All Sewer assessment payments, including interest from installment contracts, shall be deposited into the Sewer Extension Fund.

### 11.1 Residential Sewer Assessment Charges

Where a dedicated Public Sewer exists in a public Right of Way or easement and the sewer was not constructed under Barrett Law, the property owner shall pay the fees as outlined in the current Wastewater Utility Rate Ordinance at the time of connection to the POTW.

### 11.2 Payment of Residential Sewer Assessment Charges

11.2.1 All residential property owners that are charged a sewer assessment fee under this Section shall pay the assessment fee as follows:

(a) Full Payment Prior to Connection

The property owner may pay all fees in full prior to the time of connection to the Public Sewer, or

(b) Payment Plan

Prior to the time of connection to the Public Sewer, the property owner shall pay a down payment not less than 20% of all fees.. To be eligible to make payments the property owner must provide a copy of the recorded Warranty Deed showing that they are the owner and that they are not a commercial entity or structured business. The property owner shall then contract to pay in monthly installments, with a minimum monthly payment of \$25.00, the remaining principal and interest according to the following:

<u>Total Fees Less Down Payment</u>	<u>Maximum Pay Back Period</u>
-------------------------------------	--------------------------------

Under \$2,000	36 months
---------------	-----------

\$2,000 and over	60 months
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There shall be no penalty for making additional payments toward the principal or early payoff.

#### 11.2.2 Establishment of Interest Rate

The Board shall establish the interest rate for the upcoming year as the prime rate published on the first day of December of the current year plus one percent (prime rate + 1%).

#### 11.2.3 Application of Interest Rate

During any calendar year, the interest rate set by the Board for that year shall apply to all installment contracts entered into that year by property owners and the Utility. The initial interest rate shall continue for the life of each contract initiated in that year.

### 11.3 Payment of Commercial and Industrial Sewer Assessment Charges

11.3.1 All non-residential property owners that are charged a sewer assessment under this Section shall pay all fees in full prior to the time of connection to the Public Sewer.

#### 11.3.2 Reimbursement Agreement

Pursuant to Indiana Code 36-9-22-2, the Board may enter into a reimbursement agreement with a private, capital investor for a Public Sewer extension.

## Section 12.0 Residential Sewer Insurance and Backwater Valve Program

The Residential Sewer Insurance and Backwater Valve Program (Program) is funded, in part by Residential Utility Users in the form of a minimal monthly charge on the Utility bill. The Program is in place to aid Residential Property owners or occupants in the cost of repair to their Sewer Lateral or installation of a Backwater Valve. This Program shall not apply to commercial or non-residential users such as Industrial Users, or bulk Sewer Users. The Board shall establish policies to administer the Program. The Sewer Insurance fee and the use of this fund shall be in accordance with the following:

### 12.1 Assessment of Charges and Deposit in Fund

A Sewer insurance monthly premium as established in the Wastewater Utility Rate Ordinance, as amended, shall be added to Wastewater service charges for each Residential Sewer Lateral. All money collected shall be deposited in a separate fund to be reviewed annually.

### 12.2 Usage of the Sewer Insurance and Backwater Valve Program

12.2.1 To be eligible for repair under the Sewer Insurance Program the Sewer Lateral:

- (a) Shall have been cleaned once by a professional contractor and experienced a blockage a second time in a 12-month period; or
- (b) Experienced a blockage that a professional contractor has been unable to open.

12.2.2 To be eligible for the installation of a Backwater Valve the property must be located in area affected by wet weather events. Each property is eligible for assistance to install a Backwater Valve under the Program only one time.

12.2.3 The use of the Program for installation of a Backwater Valve is on a first come first serve basis.

12.2.4 Sewer Insurance and Backwater Valve funds, less the deductible, shall be

used for the payment of all costs directly attributable to the repair of a failing residential Sewer Lateral or the installation of a Backwater Valve outside of the foundation of the building. For the purpose of this section a Residential Sewer Lateral is a Sewer serving a building with two or less residences or a private collector Sewer that serves more than one Residential building. Each homeowner is required to pay the deductible prior to the repair or replacement of the Residential Lateral Sewer unless otherwise determined by the Board.

Sewer Insurance and Backwater Valve funds shall not be used for repair of the portion of a Sewer Lateral that is located under a private permanent structure, except a driveway, or a structure that is connected to a private permanent structure. This includes but is not limited to covered porches, sheds, garages, or out-buildings, and slabs. Structures such as pools, patios, fences, or decks that block access to the Sewer Lateral must be moved at the property owner's expense.

12.2.5 Expenses included under the Program:

- (a) The removal and replacement of public streets, curbs, driveway approaches, and walks located in the Public Right of Way or Easement;
- (b) The removal of trees on private or public property determined to be the cause of the Sewer problem; and
- (c) The removal of driveways.

12.2.6 Expenses not included under the Program:

- (a) Replacement of any trees, shrubbery, plants or other landscaping features on public or private property removed as part of the repair or replacement of the Sewer or installation of the Backwater Valve;
- (b) Any expenses incurred in tunneling under or replacing any surface improvements located on private property such as bituminous, concrete, or brick driveways or patios;
- (c) Removal, relocation, replacement or repair to sprinkler systems, gas grills, foundations, sheds, decks, patios, fences, and any other surface or sub-surface improvements found on public or private property;
- (d) Replacement of topsoil and reseeding or sodding on disturbed lawn areas; and
- (e) Replacement of driveways on private property.

12.3 Application for Utilization of the Sewer Insurance and Backwater Valve Program

12.3.1 All property owners who wish to use the Program shall complete an application which shall include, at a minimum, the following:

- (a) For Sewer Lateral repairs, documentation from professional Sewer cleaning or repair contractors of one Sewer Lateral problem within a 12-month period. This documentation shall include a description of the Sewer problem and the attempts made to correct the Sewer problem.

*Note: Annual Sewer Lateral cleaning by a professional contractor is considered routine maintenance that is responsibility of the property owner and is not a qualifying event for Sewer Insurance;*

- (b) For installation of a Backwater Valve, documentation describing the Wastewater Backup problem and any attempts made to correct the problem at the property.
- (c) A recorded deed shall be provided to the Utility when applying for the Program; and
- (d) A signed release authorizing right of entry to the Utility to inspect the Sewer and conduct repairs or replacement to the Sewer or install a Backwater Valve in accordance with this Section.

#### **12.4 Construction Requirements**

All work performed under the Program shall be in accordance with the provisions in the City's Plumbing Ordinance, as amended, the Standard Construction Specifications for the City of Elkhart, as adopted by the Board and any other applicable regulations. Only qualified, bonded contractors that are registered with the City of Elkhart may perform work under the Program.

#### **12.5 Owner Occupied Residential Properties**

To be eligible to utilize the Program, the property owner shall not have any outstanding water or wastewater debt related to this property.

12.5.1 The property owner shall be responsible to pay to the Utility the deductible as referenced in Section 12.2.1.

12.5.2 All property owners shall make payment under the Program using one of the following options:

- (a) Full Payment

The property owner may pay all charges in full prior to the initiation of any work under the Program; or

(b) Payment Plan

The property owner may execute a payment agreement with the Utility to pay the charges as well as submit a recorded deed. Payments include an administrative fee which shall be made in six equal installments. The first installment shall be due prior to the initiation of any work under the Program. Remaining installments shall appear on subsequent Utility billings.

12.5.3 Failure to pay as required under this section shall result in the Utility placing a lien upon the property where the Sewer Insurance repair or Backwater Valve installation was made in accordance with Section 12.2 of this Policy.

**12.6 Non-owner Occupied Residential Properties**

To be eligible to utilize the Program, a non-owner occupied Residential Property shall meet the following:

12.6.1 The property owner must fill out application in person at the Utility Administration Office;

12.6.2 All charges shall be paid in full prior to the initiation of any work under the Program;

12.6.3 The property owner shall not have any outstanding water or wastewater debt related to this property; and

12.6.4 The current occupant shall not have any outstanding water or wastewater debt related to this property.

**12.7 Fats, Oils and Grease and Sewer Insurance**

When the Utility determines that Fats, Oils, and Grease (FOG) is the cause of a Sewer Lateral blockage and is the reason that work under the Sewer

Insurance Program is required, the customer shall be eligible for the Program the first time the problem is discovered, but the customer will be notified that future instances of FOG blockages disqualify use of the Program. If the customer has a Sewer Lateral blockage at the same property due to FOG after the initial use of the Program, the customer shall not be eligible for the Program. For the purposes of this section the term customer shall mean either tenant or owner of any property which is, or is to be, supplied with wastewater service.

#### **12.8 Warranty for Sewer Insurance Repairs**

Sewer Insurance repairs are guaranteed for a period of one year from the date the repair is completed. Failure of the Sewer Lateral during this period will be repaired under this program at no additional cost. The Utility shall be notified of a failure prior to the expiration of the warranty period in order to be eligible for a warranty repair.

#### **12.9 Refunds for Sewer Insurance Repairs**

12.9.1 The property owner or occupant shall be reimbursed the difference if the Sewer Insurance repair costs less than the deductible amount paid. If a warranty repair is required (see section 12.7) any reimbursement amount shall be repaid by the property owner prior to the warranty repair.

12.9.2 Damages to the Sewer Lateral caused by a private utility (e.g. electric, cable, gas) are the responsibility of the private utility that caused the damage. The City shall notify the property owner if the damage to the Sewer Lateral was caused by a private utility and make every attempt to recover the repair costs from the responsible party. If the City is successful in identifying the responsible party and recovering the cost of repair, the

property owner shall be reimbursed the deductible. Such reimbursement will void any warranty.

#### 12.10 Clear Water Sources

All clear water sources from the property owner's building or house shall be disconnected from the Building Drain or Sewer Lateral unless otherwise approved by the Director prior to use of the Sewer Insurance and Backwater Valve Program. Clear water sources include, but are not limited to downspouts and other sources of surface water runoff such as driveway drains and parking area drains. Any costs for disconnecting the clear water sources shall be at the property owner's expense and shall not be included in the cost for installation of the Backwater Valve.

#### 12.11 Maintenance of Backwater Valve

The property owner shall be responsible for maintaining the Backwater Valve after installation. No warranty shall be provided for Backwater Valves. The city shall not be liable for improper usage, blockages or failures of the Backwater Valve.

### Section 13.0 Discharge of Special Wastes

Any Person that wishes to discharge special wastes, whether trucked, hauled or discharged in place to the Publicly Owned Treatment Works (POTW) must first obtain a temporary permit to discharge (Permit) from Elkhart Public Works and Utilities (PWU). The application for a Permit must be completed on forms provided by PWU.

The Director will review the application and notify the applicant what type of analysis, if any, must be conducted. If required, analytical results must be received by the Director prior to approval or disapproval of the temporary Permit to discharge. The Permit shall specify a location and timeframe which is acceptable to commence discharging. No Waste shall be discharge within 48 hour after a rain event ends.

Discharges are subject to rates and charges as outlined in the Ordinance Number 5286 Wastewater Utility Rates and Charges. The Person shall have the manifest and the Permit onsite at all times and present them when requested.

The Director shall have the right to reject and prohibit the discharge of the Waste. Anyone discharging to the POTW without approval from the Director shall be subject to fines as outlined in the Wastewater Utility Enforcement Response Plan. Discharge of any septic Waste, grease trap and interceptor Waste, and Waste that would be considered hazardous as defined in 40 CFR 261 is prohibited.

Section 14.0 Inter-local Agreement Wastewater Discharge Permits

Any extraterritorial wastewater utility (Permittee) that enters into an inter-local agreement to connect to the City of Elkhart's Publicly Owned Treatment Works (POTW) shall be issued an inter-local wastewater discharge permit (Permit). The Permit shall be approved by the Elkhart Board of Public Works and shall provide a clear summary of the Permittee's obligations under the Permit.

Local limits and surcharges for excess strength waste shall apply to the Permittee's discharge entering Elkhart's POTW.

## Section 15.0 Food Service Establishment Fats, Oil and Grease Program

All Food Service Establishments (FSEs) that discharge to the POTW are subject to the requirements of the Utility's Fats, Oil and Grease (FOG) Control Program. FSE's designated as "Pre-Packaged Food Store Only" with a "Limited Food Service License" by the Elkhart County Health Department are exempt from the program.

### 15.1 Registration Process

15.1.1 All FSEs shall complete and submit to the Director the FOG Registration Certificate (Certificate) application along with any associated documents.

#### 15.1.2 Certificate Application Submission Time Frames

- (a) New FSEs that will not be constructed or remodeled shall be required to submit a complete (Sections A through H) FOG Application no less than 30 calendar days prior to commencing food preparation activities.
- (b) New FSEs that will be constructed or remodeled shall be required to submit at a minimum Sections A through F of the FOG Application prior to applying for any construction permits. Sections G through H must be submitted no less than 30 calendar days prior to commencing food preparation activities.
- (c) Existing FSEs who were not aware they were connected to the POTW have 30 calendar days to submit their application once connection is confirmed. .
- (d) Transfer of ownership within 30 calendar days after notifying the Director.

#### 15.1.3 Signatories to Certificate Applications

The completed Certificate application requires the signature of the Authorized Representative of the FSE (as defined in the FOG Ordinance).

#### 15.1.4 Application Review and Approval

- (a) After submission of the Certificate application the City will review the application and schedule an initial inspection with the FSE.
- (b) After initial inspection, the FSE will receive notification of applicable requirements or deficiencies.
- (c) The Certificate will be issued once all requirements have been met.

#### 15.1.5 Certificate Duration

Every Certificate shall show the expiration date and the date on which the renewal application is due.

- (a) Certificates shall be renewed every three years.
- (b) Renewal applications shall be submitted 180 calendar days prior to the expiration of the current Certificate.

#### 15.1.6 Continuation of Expired Certificate

An expired Certificate will continue to be effective and enforceable until the Certificate is reissued if:

- (a) The FSE has submitted a complete Certificate application at least 180 days prior to the expiration date of the FSE's existing Certificate; and
- (b) The failure to reissue the Certificate is not due to any act or failure to act on the part of the FSE.

### 15.2 Categories of Food Service Establishments

All new FSEs are assigned a category based on information provided in the Certificate application. In addition, any existing FSEs that have ongoing non-compliance issues are assigned a category based on information provided in the Certificate application and Utility records. The Director may assign the applicant a category of A, B, or C. The category will be determined as follows:

15.2.1 An applicant is given the designated points in the following categories:

- (a) Operating hours per week
  - (1) 100 hours or more - 5 points
  - (2) Between 50 and 99 hours - 4 points
  - (3) Between 25 and 49 hours - 3 points
  - (4) Between 15 and 24 hours - 2 points
  - (5) Less than 15 hours - 1 point
- (b) Monthly flow by cubic feet (highest consecutive 3-month average in the previous 12-month period)
  - (1) 8,021 cubic feet or more - 5 points
  - (2) Between 6,684 and 8,020 cubic feet - 4 points
  - (3) Between 5,348 and 6,683 cubic feet - 3 points

- (4) Between 4,011 and 5,347 cubic feet - 2 points
- (5) Less than 4,011 cubic feet - 1 point
- (c) Seating capacity
  - (1) 150 seats or more - 5 points
  - (2) Between 75 and 149 seats - 4 points
  - (3) Between 50 and 74 seats - 3 points
  - (4) Between 25 and 49 seats - 2 points
  - (5) Less than 25 seats - 1 point
- (d) Serving practices
  - (1) Full kitchen and serves food on dishes that are washed on site - 5 points
  - (2) Full kitchen and serves food on disposable dishes or dishes that are not washed on site - 4 points
  - (3) Prepares prepackaged food and serves food on dishes that are washed on site - 3 points
  - (4) Prepares prepackaged food and serves food on disposable dishes - 2 points
  - (5) Limited use kitchen – carry-in for prep and clean-up - 1 point
- (e) Deep fryer used as part of daily food preparation - 5 points
- (f) Deep fryer present, but not part of daily food preparation - 2 points
- (g) Facility has commercial dishwasher - 4 points
- (h) Facility has three basin or prep sink - 5 points
- (i) Facility has food grinder - 5 points
- (j) Facility has mop sink - 3 points
- (k) Facility has floor drains - 3 points
- (l) Facility has a drive-thru, drive-in, or carry-out service - 1 point

15.2.2 An applicant is assigned a Category based on the following point totals:

- (a) An applicant receiving 24 or more points will be assigned to Category A.
- (b) An applicant receiving 6 points to 23 points will be assigned to Category B.
- (c) An applicant receiving less than 6 points will be assigned to Category C.

### **15.3 Category Requirements**

New FSEs that have been assigned a category and Existing FSEs that have ongoing non-compliance issues that have been assigned a category shall meet the requirements outlined in this section and the FOG Ordinance as amended. If at any time, the FSE is unable to meet the requirements established in the FOG Control Program, the installation of a new or additional FOG Control Device(s) may be required by the Director.

#### **15.3.1 Category A**

An FSE that is designated as Category A shall be required to install a Grease Interceptor that captures flows from all floor drains, mop sinks, three basin sinks and other kitchen fixtures, unless the FSE has been granted a variance (See Section 15.4). The size of the Grease Interceptor shall be the larger of 1000 gallons or determined using the formula outlined in the Indiana Department of Health Code (410 IAC 6-10.1-66) as amended.

#### **15.3.2 Category B**

An FSE that is designated as Category B shall be required to install Grease Traps that capture flow from, at minimum, kitchen sinks and fixtures, unless the FSE has been granted a variance (See Section 15.4). The minimum size of the Grease Trap shall be determined using the current Indiana Plumbing Code utilizing a 1-minute drain period.

#### **15.3.3 Category C**

An FSE that is designated as Category C may not be required to install a FOG Control Device.

### **15.4 Variance from FOG Control Device Installation Requirements**

If the FSE is unable to meet the FOG Control Device installation requirements as outlined in the previous section or has an existing an FOG Control Device that is proven to be effective in preventing the release of FOG, the FSE may apply for a variance. Upon determination by the Control Authority that reasons are sufficient to justify a variance, the Certificate will be issued or revised to include the variance.

#### **15.4.1 Demonstration Requirements**

An FSE may be granted a variance by demonstrating that its existing FOG Control Device or an alternative pretreatment technology is equivalent or better than a required FOG Control Device by:

- (a) Installing a Control Manhole and meeting the 200 mg/L total FOG Effluent Limitation; or
- (b) If the installation of a Control Manhole is not possible, as verified by the Director, a variance may be granted, but the FSE shall demonstrate its effectiveness to control FOG discharge through downstream visual monitoring of the sewer system. Visual monitoring shall be conducted by the Utility, for a time period as determined by the Control Authority, at the FSEs expense. The variance may be revoked if accumulation of FOG is found in the Sewer Lateral or downstream Sewer lines.

#### **15.4.2 Terms and Conditions**

A variance shall contain terms and conditions that serve as basis for its issuance. A variance may be revoked at any time when any of the terms and conditions for its issuance are not satisfied or if the conditions upon which the variance was based no longer exist. The variance shall be valid until the expiration date specified on the Certificate provided the FSE remains in compliance with the terms and conditions of the FOG Control Program or may be extended at the Director's discretion.

### **15.5 Maintenance of FOG Pretreatment Systems**

15.5.1 FOG pretreatment systems are to be properly installed and maintained in satisfactory and effective operation at the FSE's expense.

15.5.2 FSEs are required to maintain a copy of the "Elkhart Grease Control Device Cleaning Report" or documentation which must include:

- (a) Food service establishment name and physical location;
- (b) Date of service;
- (c) Time of service;
- (d) Nature of the service;

- (e) Name and affiliation of individual performing grease control device service;
- (f) The individual levels or volume of: (1) floating FOG, (2) water, and (3) solids before removal;
- (g) Identification of the facility where the waste hauler will dispose of the waste;
- (h) Any maintenance issues identified during the inspection and records of any maintenance performed on the grease control device;
- (i) Dated signature of personnel confirming service completion;
- (j) Any other information required by the Director.

**15.6 Best Management Practices**

All FSEs shall implement Best Management Practices (BMPs) to minimize the discharge of FOG to the Sewer system. BMPs include, but are not limited to the following:

- 15.6.1 Grease and solids in grease traps and grease interceptors should not exceed 25% of its capacity;
- 15.6.2 Hot water over 140°F from cooking or cleaning operations should not be put down a drain that is connected to a grease trap;
- 15.6.3 Clean and maintain grease traps and interceptors per manufacturer recommendations.
- 15.6.4 Scrape and wipe pots, pans, and dishware into a solid waste receptacle prior to rinsing and dishwashing;
- 15.6.5 Post "No Grease" signs above sinks and on the front of dishwashers;
- 15.6.6 Install screens on all kitchen drains;
- 15.6.7 Cover outdoor grease and oil storage containers; and
- 15.6.8 Train employees on the proper implementation of BMPs.

**15.7 Record Keeping**

Each FSE shall maintain all required records onsite for no less than three years from the effective date of the Certificate. This includes, records of cleaning and maintenance of grease control devices, grease dumpsters and training related to FOG BMPs.

15.8 Compliance

When an FSE is found to be in violation of the FOG Ordinance or the Wastewater Utility Use Ordinance, as amended the penalty guidelines found in this Section may apply. In addition, the Utility may notify the Elkhart County Health Department of any situation that may pose a potential health concern.

Any violations not specifically noted below or in the Enforcement Response Plan may be penalized an amount up to and including \$2500 per offense. Unless otherwise noted, each day of violation may constitute a new offense. The number of offenses shall be based upon those accumulating within a rolling twelve-month period, not each calendar year.

## FSE FOG Penalty Guideline Table

Offense	First offense	Second offense	Third offense	Fourth and subsequent offense(s)
15.9.1 Refusing Utility access to inspect FSE facility/premise	\$500	\$750	\$1000	\$1000
15.9.2 Discharging without a valid FOG Certificate	\$100 first 30 days of violation	\$10 per day for day 31 and thereafter	N/A	N/A
15.9.3 Failure to operate or maintain FOG control device in proper working order (Ord. No. 5285 as amended)	\$100	\$200	\$250	\$300
15.9.4 Failure to implement BMPs as required	Written Warning	\$150	\$250	\$300
15.9.5 Failure to install required FOG Control Device	\$500 for first 15 days past due date	\$50 per day for day 16 and thereafter	N/A	N/A
15.9.6 Introducing additives into an FSE's Wastewater system for the purpose of emulsifying or chemically treating FOG	\$100	\$200	\$250	\$300
15.9.7 Failure to submit new or renewal application as required	\$100 for first 15 days past due date	\$5 per day for day 16 and thereafter	N/A	N/A
15.9.8 Failure to keep records as required	\$50	\$150	\$250	\$300
15.9.9 Failure to provide records upon request	Written Warning	\$100	\$200	\$250
15.9.10 Failure to notify utility of a change in the Authorized Representative as required	Written Warning	\$100	\$200	\$250
15.9.11 Failure to notify of remodeling or transfer of ownership as required	\$100	N/A	N/A	N/A

## Section 16.0 Sewer Laterals

All Sewer Laterals, including the connection to the sewer main and the portion installed in the Public Right-of-Way, are the property of the Customer. The Customer shall be solely responsible for any and all costs to construct, maintain, and repair the Sewer Lateral except as described in this section, Section 11.0 of the Wastewater Utility Policy, or Section 12.0 of the Wastewater Utility Policy.

### 16.1 Sewer Lateral Stubs

The Utility may construct a Sewer Lateral Stub and later collect for the cost of the connection as specified in Section 11.0 of the Wastewater Utility Policy. Sewer Lateral Stubs are not present or viable at all properties, and the Utility shall not be obligated in any way to provide a Sewer Lateral Stub. Sewer Lateral Stubs are not guaranteed to extend to the Right of Way, and may not extend outside of the roadway.

### 16.2 Identification of Existing Sewer Lateral or Sewer Lateral Stub

Information, including, but not limited to data, plans, approvals, markings within or outside the Public Right of Way, maps, records, or employee statements, provided by the Utility related to the location or existence of a Sewer Lateral or Sewer Lateral Stub are based on record information and are not guaranteed to match field conditions. Any Person who relies on said information for any purpose whatsoever does so solely at their own risk. Neither the City, Utility, Board, commissions, officials, or employees guaranty the accuracy, reliability, or timeliness of any of the information provided. The information is provided "as is" without warranty of any kind, and all warranties of merchantability and fitness for a particular purpose are hereby disclaimed. The Utility reserves the right to alter, amend or terminate at any time any and all information related to the location or existence of Sewer Laterals or Sewer Lateral Stubs.

### 16.3 Sewer Lateral Locating

The Utility shall not be required to locate Sewer Laterals, although it may locate Sewer Laterals as part of an action described in Section 12.0 of the Wastewater Utility Policy or as otherwise necessary for the proper functioning of the Utility.

### 16.4 New Sewer Connections

The Customer is responsible for all costs associated with the installation of new Sewer Laterals and the connection to the POTW, including tees, fercos, saddles or other material necessary to tap the sewer main. These costs include all surface restoration, including possible costs associated with pavement restoration in the Public Right of Way.

## Section 17.0 Autodialed Phone Calls and Automatic Text Messages to Customers

The Utility may make autodialed phone calls and send automatic text messages to Customers. The phone number will be obtained when the Customer initially signs up for service, subsequently supplies the phone number, or updates their contact information. The Utility shall only use these phone numbers to communicate with Customers about matters closely related to their Wastewater service including, but not limited to:

- Calls or text messages that are necessary in any situation affecting health and safety;
- Warnings about planned or unplanned Wastewater service interruptions;
- Updates about Wastewater service interruptions or service restoration;
- Requests for confirmation of service restoration or information about lack of service;
- Notifications of work that directly affects the Customer's Wastewater service;
- Notifications to Customers informing them that they may be eligible for subsidized or low-cost Wastewater services due to certain qualifiers such as, e.g., age, low income or disability; and
- Warnings about the likelihood that failure to make payment will result in service curtailment.

Matters closely related to Customers' Wastewater service does not include routine debt collection calls or text messages by the Utility to Customers after Utility service has been terminated.

Each call or text message will include information on how the Customer can opt out of future messages. The Utility shall not make calls or send text messages not closely related to Utility service. The Utility shall not transfer or provide Customer phone numbers to any group, organization, or person except where required by local, state, or federal law.