

Sponsor Mark Kalwinski
1st District Councilman

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE #7102, BEING ENTITLED “AN ORDINANCE ESTABLISHING A DEPARTMENT OF ENVIRONMENTAL MANAGEMENT WITH AN AIR POLLUTION CONTROL DIVISION AND A SOLID WASTE, WATER AND NOISE POLLUTION DIVISION IN THE CITY OF HAMMOND, INDIANA” PASSED BY THE COMMON COUNCIL ON THE 19th DAY OF DECEMBER 1988 AND APPROVED BY THE MAYOR ON THE 21st DAY OF DECEMBER 1988, AND ESTABLISHING AN ANNUAL ENVIRONMENTAL MONITORING FEE FOR PERSONS OPERATING A CENTRALIZED WASTE TREATMENT FACILITY PURSUANT TO TITLE 327 OF THE INDIANA ADMINISTRATIVE CODE, ARTICLE 5, RULE 18, SECTION 10 (327 IAC 5-18-10), WHICH INCORPORATES TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART 437 (40 CFR 437), OR HAVE BEEN ISSUED A PERMIT BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO STORE AND/OR TREAT, WASTEWATER FROM A SEWAGE DISPOSAL SYSTEM UNDER THE AUTHORITY OF TITLE 327 OF THE INDIANA ADMINISTRATIVE CODE, ARTICLE 7.1 (327 IAC 7.1).

WHEREAS, there is a need to monitor persons engaged in the operation of a centralized waste treatment facility under 327 IAC 5-18-10, which incorporates 40 CFR 437, or have been permitted by the Indiana Department of Environmental Management to store and/or treat wastewater from a sewage disposal system under the authority of 327 IAC 7.1, in the City of Hammond, and

WHEREAS, it is desirable to provide reasonable and necessary resources to the Hammond Department of Environmental Management to perform such environmental monitoring, and establish a fee to cover the expenses involved in such monitoring activities, and

WHEREAS, such monitoring will provide information and data that will ensure that such persons comply with City of Hammond environmental standards, thus protecting the quality of life of Hammond residents.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana:

That Hammond Ordinance #7102 is hereby amended.

SECTION 1. Article III of Ordinance 7102 is hereby amended to establish a new Section 3.8, which shall read as follows:

SECTION 3.8 ANNUAL CITY OF HAMMOND ENVIRONMENTAL MONITORING FEE FOR PERSONS WHO OPERATE A CENTRALIZED WASTE TREATMENT FACILITY PURSUANT TO 327 IAC 5-18-10, WHICH INCORPORATES 40 CFR 437, OR HAVE BEEN ISSUED A PERMIT BY THE INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO STORE AND/OR TREAT, WASTEWATER

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FROM A SEWAGE DISPOSAL SYSTEM UNDER THE AUTHORITY OF 327 IAC 7.1.

Section 3.8.1 Definitions

- a. *Centralized waste treatment (CWT) facility* means any facility that treats (for disposal, recycling or recovery of material) any hazardous or non-hazardous industrial wastes, hazardous or non-hazardous industrial wastewater, and/or used material received from off-site. “CWT facility” includes both a facility that treats waste received exclusively from off-site and a facility that treats wastes generated on-site as well as waste received from off-site. For example, an organic chemical manufacturing plant may, in certain circumstances, be a CWT facility if it treats industrial wastes received from offsite as well as industrial waste generated at the organic chemical manufacturing plant. CWT facilities may also include re-refiners and may be owned by the federal government. 40 CFR § 437.2(c)
- b. *Centralized waste treatment wastewater* means any wastewater generated as a result of CWT activities. CWT wastewater sources may include, but are not limited to: liquid waste receipts, solubilization water, used oil emulsion-breaking wastewater, tanker truck/drum/roll-off box washes, equipment washes, air pollution control scrubber blow-down, laboratory-derived wastewater, on-site landfill wastewaters, and contaminated storm water. 40 CFR § 437.2(d)
- c. *Domestic septage* means the following:
 - (1) Human excreta, water, scum, sludge, and sewage from sewage disposal systems, or retained contents of wastewater holding tanks.
 - (2) Wastes carried in liquid from ordinary living processes.

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(3) Incidental or accidental seepage from sewage disposal systems.

The term does not include contents from chemical toilets, or Type III marine sanitation devices. (327 IAC 7.1-2-11)

- d. *Grease* means grease, fats, and retained wastes from grease traps or interceptors. (327 IAC 7.1-2-16)
- e. *Metal-bearing wastes* means wastes and/or used materials from manufacturing or processing facilities or other commercial operations that contain significant quantities of metal pollutants, but not significant quantities of oil and grease (generally less than 100 mg/L). Examples of these wastes are spent electroplating baths and sludges, metal-finishing rinse water and sludges, chromate wastes, blow-down water and sludges from air pollution control, spent anodizing solutions, incineration air pollution control wastewaters, waste liquid mercury, cyanide containing wastes greater than 136 mg/L, and waste acids and bases with or without metals. 40 CFR § 437.2(l)
- f. *Multiple wastestream CWT facility* means a CWT facility which accepts waste in more than one CWT subcategory (metals, oils, or organics) and combines any portion of these different subcategory wastes at any point prior to the compliance discharge sampling location. 40 CFR § 437.2(m)
- g. *Oily wastes* means wastes and/or used materials that contain oil and grease (generally at or in excess of 100 mg/L) from manufacturing or processing facilities or other commercial operations. Examples of these wastes are used oils, oil-water emulsions or mixtures, lubricants, coolants, contaminated groundwater clean-up from petroleum sources, used petroleum products, oil spill clean-up, bilge water, rinse/wash waters from petroleum sources, interceptor wastes, off-

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specification fuels, underground storage tank remediation waste, and tank clean out from petroleum or oily sources. 40 CFR § 437.2(p)

- h. *Organic wastes* means wastes and/or used materials that contain organic pollutants, but not a significant quantity of oil and grease (generally less than 100 mg/L) from manufacturing or processing facilities or other commercial operations. Examples of these wastes are landfill leachate, contaminated groundwater clean-up from non-petroleum sources, solvent-bearing wastes, off-specification organic product, still bottoms, byproduct glycols, wastewater from paint washes, wastewater from adhesives and/or epoxies, wastewater from chemical product operations, and tank clean-out from organic, non-petroleum sources. 40 CFR § 437.2(r)

- i. *Sewage disposal system* means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:
1. store;
 2. treat;
 3. make inoffensive; or
 4. dispose of;

human excrement or liquid carrying wastes of a domestic nature. (327 IAC 7.1-2-36)

- j. *Treatment* means any method, technique, or process designed to change the physical, chemical or biological character or composition of any metal-bearing, oily, or organic wastes to neutralize such wastes; to render such wastes amenable to discharge; or to recover energy or recover metal, oil, or organic content from

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the wastes. Treatment does not include (a) the re-use of treated or untreated wastewater in place of potable or pure water in industrial processes such as the use of secondary POTW effluents as non-contact cooling water or storm water in place of process water or (b) the re-use of treated or untreated spent chemicals (such as pickle liquor) as treatment chemicals. 40 CFR § 437.2(cc)

- k. *Wastewater* means the following:
1. Human excreta, water, scum, sludge, and sewage from the sewage disposal systems, retained contents of wastewater holding tanks, or portable sanitary units.
 2. Grease, fats, and retained wastes from grease traps or interceptors.
 3. Wastes carried in liquid from ordinary living processes.
 4. Incidental or accidental seepage from sewage disposal systems.

Grease, domestic septage, and a mixed load are all forms of wastewater. (327 IAC 7.1-2-41)

Section 3.8.2 Permit Fee

- a. Any person, excluding municipal corporations, involved in the operation of a centralized waste treatment facility pursuant to 327 IAC 5-18-10, which incorporates 40 CFR 437, or permitted by the Indiana Department of Environmental Management to store or treat wastewater from sewage disposal systems under the authority of 327 IAC 7.1, shall be required to pay an Annual Hammond Environmental Monitoring Fee of One Hundred Twenty-One Thousand and Twenty-Four Dollars (\$121,024.00) for calendar year 2016 for salary and fringe benefits, training (required under 29 CFR 1910.120), safety equipment, medical baseline physical, and mileage for a degreed engineer to monitor said facility, plant or company, for compliance with City of Hammond

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ordinances, and perform any other duties under the jurisdiction of the Hammond Department of Environmental Management.

- b. Said Annual Environmental Monitoring Fee, in subsequent calendar years shall be determined by those personnel and fringe benefit, training, safety equipment, and medical baseline physical costs itemized as part of the Hammond Department of Environmental Management budget, which shall be submitted by the Hammond Department of Environmental Management to the Mayor and approved by the Hammond City Council for each subsequent budget period. In no case shall any proposed or budget salary or fringe benefit increase in any subsequent Annual Local Operation Permit Fee be greater than the annual percentage increase awarded to other comparable employees in the Hammond Department of Environmental Management.
- c. The activities of the monitoring engineer may be conducted on the premises of the industrial facility, plant or equipment, which are subject to this Ordinance, but such monitoring shall be:
 1. Performed with or without a representative of the owner or operator of the industrial facility, plant or equipment.
 2. Performed only after the owner or operator has received verification that the monitoring engineer has received the training required under 29 CFR 1910.120, a baseline medical physical, and personal protective equipment necessary to perform his/her duties.
 3. In compliance with all reasonable facility policies and procedures, which do not conflict with governing Indiana law or federal law, relating to site security and safety. The person subject to the Ordinance shall not adopt

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and/or alter its policies and procedures to preclude the inspector from carrying out the intent of this Ordinance.

- d. The Annual Monitoring fee established by this Ordinance shall be effective on January 1, 2016 or after its passage and approval by the Council, signing by the President thereof, approval by the Mayor and publication as required by law. If this Ordinance becomes effective after January 1, 2016 then the salary and fringe benefit portion of the fee shall be prorated accordingly. The training, safety equipment, medical baseline physical and mileage portion of the fee shall not be prorated.
- e. If any part or parts, section or subsection, sentence, clause, or phrase of this ordinance, as now or later amended, for any reason is declared unconstitutional or invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

BE IT FURTHER ORDAINED by the Common Council that this ordinance shall have full force and effect from and after its passage and approval by the Council, signing by the President thereof, approval by the Mayor and publication as required by law.

Michael Opinker, President
Common Council

ATTEST:

Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the _____ day of _____, 2016.

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Robert J. Golec, City Clerk

The foregoing Ordinance No. _____ consisting of seven (7) typewritten pages, including this page was _____ by the Mayor on the _____ day of _____, 2016.

Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

PASSED by the Common Council on the _____ day of _____, 2016, and _____ by the Mayor on the _____ day of _____, 2016.

Robert J. Golec, City Clerk