



Permit No. 2017-001

General Permit for Discharge from Food Service Establishments to the Muncie Sanitary District Collection System

In accordance with all terms and conditions of the Code of Ordinances, Chapter 53, City of Muncie, Indiana, and in accordance with all applicable provisions of Federal and State law or regulation, authorization to discharge to the Muncie Sanitary District Collection System is hereby granted to food service establishments (FSEs).

This general permit specifically authorizes only those owners and operators of FSEs who have submitted a completed discharge application or notice of intent (NOI), and which have received written approval of coverage from the director of the Muncie Sanitary District's Bureau of Water Quality.

This permit shall become effective on January 1st, 2017.

This permit and authorization to discharge shall expire on December 31st, 2021.

A violation of any provision in this permit is a violation of Chapter 53 of the Muncie City Code of Ordinances and may subject the permittee to enforcement action by the Bureau of Water Quality, MSD through Chapter 53 and/or the Muncie Sanitary District's Enforcement Response Guide (ERG).

All permittees shall submit a new application or NOI to the Bureau of Water Quality, MSD no later than sixty (60) days prior to the date of expiration of the current permit, requesting renewal of coverage.

Issued the first day of January 2017.

**Rick Conrad, Director
Bureau of Water Quality, Muncie Sanitary District**



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Sec. 1.0 AUTHORITY

This general permit is issued under the authority of Chapter 53 of the Muncie City Code of Ordinances.

Sec. 2.0 DEFINITIONS

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this permit, shall have the meanings hereinafter designated.

Authorized Representative of the Food Service Establishment (FSE).

- (1) If the FSE is a corporation, authorized representative shall mean;
 - (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; and/or
 - (b) the manager of one or more manufacturing, production, or operation facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including the explicit or implicit duty of: making major capital investment recommendations, implementing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations, ensuring that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit or general permit requirements, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the FSE is a partnership, or sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively;
- (3) If the FSE is a federal, state or local governmental facility, an authorized representative shall mean a Director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
- (4) The individuals described in paragraphs 1-3 above may designate another Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Director of the Bureau of Water Quality.

Best Management Practices or *BMPs*. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this permit and from 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage, leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs can also include alternative means (i.e., management plans) of complying with, or in place of, certain established Pretreatment Standards and effluent limits.

Bureau or *BWQ*. The Bureau of Water Quality of the Muncie Sanitary District.

Director. The person hired by the Board of Sanitary Commissioners to supervise the operation of the Bureau of Water Quality, and who is charged with certain duties and responsibilities by Chapter 53 of the Muncie Code of Ordinances, or his duly authorized representative.

FOG (Fats, oils, and grease). Any fats, oils, and grease generated from the food preparation process as identified by the most current EPA method as listed in 40 CFR Part 136.3.

FOG Disposal Facility. A publicly owned treatment works or privately owned treatment works that is certified, licensed, or permitted by the Indiana Department of Environmental Management (or comparable

state agency if taken out of state) and/or the EPA, for the separation and disposal of FOG by incineration or other methods from the wastewater of a facility.

FOG Enforcement Response Guide (ERG). The policy that contains detailed procedures indicating how the Bureau will investigate and respond to instances of noncompliance with the FOG Pretreatment Ordinance and this permit.

FOG Recovery Unit. All active indoor mechanical systems designed to remove fats, oil, and grease by physical separation from flowing wastewater, as further defined herein.

FOG Pretreatment System. Refers to properly installed and operated FOG interceptors, FOG Recovery Units, and other alternate systems as approved by the Director of the Bureau of Water Quality.

Food Service Establishments. Those Industrial Users primarily engaged in activities of preparing, serving, or otherwise making foodstuffs available for consumption, and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. Also included are Non-cooking Facilities and/or those establishments that engage in the preparation of precooked and frozen food materials and meat cutting preparation and applicable to all Food Service Establishments that discharge wastewater containing fats, oils, or grease to the Muncie Water Pollution Control Facility including but not limited to the following: restaurants, grocery stores, meat markets, hotels, factory and office building cafeterias, public and private schools, hospitals, nursing homes, commercial day care centers, churches, and catering services.

Grease Interceptor, or FOG Interceptor. A device located underground and outside the facility designed to collect, contain, or remove food wastes and grease from the waste stream while allowing the balance of liquid waste to discharge to the sanitary sewer. These devices are typically a minimum of 1000 gallons in volume.

Grease Trap or FOG Trap. A device located under sinks or inside the facility designed to collect, contain or remove food wastes and grease from the waste stream while allowing the balance of liquid waste to discharge to the sanitary sewer.

Interference. A discharge which alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes, operations, sludge processes, or the use or disposal of sludge; or is a cause of a violation of any requirement of the Muncie Sanitary District's 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 any of the following statutory/regulatory provisions 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 commonly referred to as the Resource Conservation and Recovery Act (RCRA); any 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.

Local Limit. Specific discharge limits developed and enforced by the Bureau upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

May. Precedes an action that is permissive or discretionary. The use of the singular form shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

MSD. The Muncie Sanitary District of Muncie, Indiana.

MWPCF. The Muncie Water Pollution Control Facility; Muncie's publicly owned treatment works (POTW).

Non-cooking Facilities. Facilities primarily engaged in the preparation of precooked foodstuffs that do not include any form of cooking. These include cold dairy and frozen foodstuffs preparation and serving facilities.

Non-Renderable FOG. Fats, oils, and greases generated from food preparation processes that have been contaminated during the food preparation process thereby prohibiting this material from being rendered.

Pass-through. A discharge which exits the POTW into waters of the U.S. 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 requirements of the Muncie Sanitary District's NPDES permit (including an increase in the magnitude or duration of a violation).

Polar Grease. Animal or vegetable-based grease, commonly produced at food service establishments and commonly categorized as FOG.

Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)), heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes discharged into the water [40 CFR 122.2].

Pretreatment. The reduction, elimination, or alteration of the amount or nature of pollutants in wastewater, prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards. Prohibitive discharge Standards, Categorical Pretreatment Standards, and local limits.

Publicly Owned Treatment Works (POTW). A "treatment works" as defined by section 53.01 of the Act (33 U.S.C. 1292), which is owned by the state, municipality, or Sanitary District. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. The term also means the municipal entity having jurisdiction over the IUs and responsibility for the operation and maintenance of the treatment works.

Reasonable hours. Any time during which a facility is open for business to the public. It shall also include those times when a facility is closed to the public when a manager, employees, and/or contractors are present at the facility and involved in cleanup or food preparation, or any other business activity.

Renderable FOG. Uncontaminated fats, oils, and grease from the food preparation process that can be used as a source of material that is free of impurities and can be recycled into products such as animal feed and cosmetics.

Renderable FOG Container. A closed, leak-proof container for the collection and storage of food grade fats, oil and grease.

Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.)

Shall. Precedes an action that is mandatory. The use of the singular form shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Storm water. Any flow during, following, or resulting from any form of natural precipitation, including snowmelt.

Total Petroleum Hydrocarbons (TPH) Oil and Grease. Petroleum or mineral oil products.

Treatment Plant Effluent. Any discharge of pollutants from the Muncie POTW into waters of the state of Indiana.

User or Industrial User (IU). A source of indirect discharge, including Food Service Establishments.

Wastewater. Liquid and/or water-carried wastes and sewage from residential dwellings, commercial buildings, institutions, and industrial and manufacturing facilities, whether treated or untreated, which are contributed to the POTW.

Wastewater Treatment Plant or Treatment Plant. That portion of the POTW designed to provide treatment of sewage and industrial waste.

Sec. 3.0 AUTHORIZATION UNDER THIS PERMIT

I. Permit Area.

This permit covers FSEs which discharge to the Muncie Sanitary District (MSD) Collection System.

II. Eligibility.

All FSEs that cook or prepare food, with the exception of those that have been notified by the Director in writing that coverage under this permit is not appropriate, are eligible for coverage under this general permit.

III. Obtaining Authorization.

- (A) To be authorized to discharge to the MSD collection system, the owner or an authorized representative must complete and submit an application or notice of intent (NOI). A new NOI must be submitted no later than 60 days prior to the expiration of this permit. Forms are available from the Bureau.
- (B) FSEs are not covered by this permit until they receive notification in writing from the Bureau confirming that the NOI has been received and approved.

IV. Deadlines for notification.

- (A) All Food Service Establishments shall submit to the Director a written application for a general permit detailing the following:
 - (1) The User's proposed FOG Minimization Plan including a detailed list of BMPs to be implemented; and
 - (2) The User's proposed FOG Pretreatment System (Sec. 4.0 I), or justification of and description of an alternative Pretreatment Program (Sec. 4.0 II).
- (B) Existing Facilities shall submit to the Director an application/NOI for a general permit within six (6) months after the adoption date of this ordinance and shall install and implement the approved FOG Pretreatment

Program within six (6) months of the User's receipt of written approval from the Director that their NOI has been received and approved by the Bureau.

- (C) New Facilities shall submit to the Director a FOG Pretreatment Program application and, following receipt of written approval from the Director that their NOI has been received and approved by the Bureau, shall install and implement the approved FOG Pretreatment Program prior to discharging to the MSD collection system.
- (D) Any requests for extensions to installation dates must be made in writing to the Director at least 30 days in advance of the compliance date. The written request shall include the reasons for the User's failure or inability to comply with the compliance date set forth, the additional time needed to complete the remaining work, and the steps to be taken to avoid future delays. The Director shall determine the date for compliance.

Sec. 4.0 FOG PRETREATMENT REQUIREMENTS

I. FOG pretreatment system.

- (A) The wastewater generated from FSEs shall be treated to remove FOG using a FOG Interceptor or FOG trap unless a specific waiver allowing the use of an alternative FOG removal system has been granted in writing by the Director.
- (B) An application for the design and installation of a FOG Pretreatment System shall be subject to review and approval by the Director and shall be subject to the sizing guidelines of the Indiana State Board of Health's Bulletin S.E. 13 Sec. 501 and all other applicable codes, ordinances, and laws.
- (C) Every structure at the FSE shall be constructed, operated and maintained in a manner to ensure that the discharge of food preparation wastewater is directed solely to the FOG Interceptor, FOG trap, or Alternate FOG Pretreatment System. No valve or piping bypass equipment that could prevent the discharge of food preparation wastewater from entering appropriate treatment equipment shall be present.
- (D) The Contact Person at each FSE shall notify the Bureau of Water Quality when the FOG Pretreatment System is ready for inspection and connection to the public sewer. Newly installed FOG interceptors/FOG traps must be left uncovered to allow for inspection by MSD personnel. Inspections will be carried out within 72 hours of receipt of notification that the interceptor/trap is ready for inspection.
- (E) All other applicable state and local plumbing/building codes shall be followed during the installation of the FOG Pretreatment System.
- (F) FOG interceptor requirements:
 - (1) The FOG interceptor shall be installed on a separate building sewer line servicing kitchen flows and shall be connected only to those fixtures or drains which would allow fats, oils, and grease to be discharged. This shall include:
 - (a) Pot sinks;
 - (b) Pre-rinse sinks;
 - (c) Any sink into which fats, oils and grease are likely to be introduced;
 - (d) Soup kettles or similar devices;
 - (e) Wok stations;
 - (f) Floor drains or sinks into which kettles may be drained;
 - (g) Automatic hood wash units;
 - (h) Dishwashers without pre-rinse sinks; and
 - (i) Any other fixtures or drains likely to allow fats, oils and grease to be discharged.
 - (2) All food grinders or food garbage disposals shall discharge to the FOG Interceptor, unless written approval stating otherwise is received from the Director.
 - (3) No fixture or drain other than those listed in Sec. 4.0 VII (F)(1) shall be directly connected to the FOG interceptor unless approved by the Director. The following shall not be discharged into FOG interceptor:
 - (a) Waste that does not contain FOG and that otherwise does not require treatment;
 - (b) Wastewater from dish washing machines or wastewater with a temperature exceeding 140°F;
 - (c) Sanitary waste;
 - (d) Any substance that may cause excessive foaming in the MWPCF;
 - (e) Emulsifiers, chemicals, and enzymes.

- (4) The outlet discharge line from the FOG interceptor shall be directly connected to the municipal sanitary sewer.
- (5) Separate cleanout covers shall be provided over the inlet and outlet of the FOG interceptor to provide easy access for inspection and cleaning.
- (G) All costs and related expenses associated with the installation and connection of the FOG interceptor(s), FOG trap(s) or Alternate FOG Pretreatment System(s) shall be borne by the FSE. The FSE shall indemnify the Muncie Sanitary District and its Agents for any loss or damage that may directly or indirectly occur due to the installation of the FOG Pretreatment System.

II. Alternate FOG pretreatment programs.

- (A) When it is not practical for the FSE to install an outdoor in-ground FOG interceptor as determined by the Director, an Alternate FOG Pretreatment System may be utilized upon approval by the Director. The Director will approve these systems on a case-by-case basis. The Contact Person may be required to furnish analytical data demonstrating that FOG discharge concentrations do not exceed the limits established in this ordinance. Alternate FOG Pretreatment Programs will be considered when:
 - (1) FOG interceptor size requirement is impractical due to space limitations;
 - (2) An existing facility is able to demonstrate that more frequent cleaning of a smaller interceptor or trap, or the use of best management practices, can effectively remove grease as required by this ordinance.
- (B) Alternate FOG Pretreatment Programs shall meet the requirements of Sec. 4.0 III.

III. FOG Equipment Maintenance/Reporting and Record Keeping Requirements

- (A) The FOG Pretreatment System shall be maintained continuously in satisfactory and effective operation at the FSE's expense.
- (B) The Contact Person or Authorized Representative shall be responsible for the proper removal and disposal, by appropriate means, of the collected material removed from the FOG Pretreatment System.
- (C) The Contact Person or Authorized Representative shall ensure that the FOG interceptor is inspected when pumped to ensure that all fittings and fixtures inside the interceptor are in good condition and functioning properly. The depth of grease inside the tank shall be measured and recorded in the maintenance log during every inspection along with any deficiencies, the date, and the identity of the inspector (see Sec. 4.0 III(D)(3)).
- (D) The Contact Person or Authorized Representative shall determine the frequency at which its FOG interceptor(s) shall be pumped according to the following criteria:
 - (1) The FOG interceptor shall be cleaned by a subsurface sewage disposal cleaner whenever twenty-five (25) percent of the operating depth of the FOG interceptor is occupied by fats, oils, grease, and settled solids, or a minimum of once every three (3) months; whichever is more frequent. Cleaning of FOG interceptors shall include the complete removal of all contents, including floating materials, wastewater and settled sludge. Decanting back into the FOG interceptor shall not be permitted unless specific variance is granted to the FSE in writing. FOG interceptor cleaning shall include scraping excessive solids from the wall, floors, baffles and all piping.
 - (2) If the Contact Person can provide data demonstrating that less frequent cleaning of the FOG interceptor will not result in a grease level in excess of twenty-five (25) percent of the operating depth of the FOG interceptor, the Director may allow less frequent cleaning. The Contact Person shall provide data including pumping receipts for four (4) consecutive cleanings of the FOG interceptor, complete with a report from the grease trap/interceptor cleaner indicating the grease level at each cleaning, and the FOG interceptor maintenance log.
 - (3) A maintenance log of activities related to the FOG interceptor shall be maintained on the premises, and shall include the following information: dates of all activities related to the FOG interceptor, volume pumped, grease depth, grease trap/interceptor cleaner's name, location of the waste disposal, means of disposal for all material removed from the FOG interceptor, and the name of the individual recording the information. The maintenance log and grease trap/interceptor cleaner's receipts shall be made available to Bureau Personnel for inspection on demand. Interceptor cleaning and inspection records shall be maintained on file a minimum of five (5) years.

- (E) All material removed and hauled from FOG Pretreatment Systems shall be disposed of at a FOG Disposal Facility approved by the Indiana Department of Environmental Management, or, if taken out of state, approved by a similar state agency.
- (F) The Contact Person shall be responsible for the cost and scheduling of all actions needed to comply with this Ordinance. The Contact Person shall be notified in writing of violations of this Ordinance by the Director.
- (G) If any analytical results from monitoring data elected to be done by the permittee or other information indicates that a violation of an effluent limitation or another condition of this general permit has occurred, the permittee shall immediately take steps to identify and correct any and all conditions causing or contributing to such violation. A log of such violations shall be maintained on site. Verbal telephone notice shall be given within twenty-four (24) hours of knowledge of said violation.

IV. Discharge limits.

No facility shall discharge or cause to be discharged any wastewater with a FOG concentration in excess of two hundred (200) milligrams per liter, as determined by the currently approved test for polar grease listed in federal regulations 40 CFR Part 136.3, or in concentrations or in quantities which will harm either the Muncie Sanitary District sewers or the MWPCF as determined by the Director.

Sec. 5.0. STANDARD CONDITIONS

I. Significant changes in facility operation

A Food Service Establishment shall notify the Bureau prior to any significant changes in the operation of their facility including the following:

- (A) Grease control equipment upgrades;
- (B) Increases in seating capacity of 20 percent or greater; and/or
- (C) Changes in menu selections and/or food service production processes.

II. Facility closure

A FSE with a grease interceptor shall notify the Bureau of Water Quality forty-five (45) days in advance whenever the FSE closes for business and is subsequently:

- (A) Razed or demolished;
- (B) Remodeled such that the grease interceptor will not be used; or
- (C) Replaced with a type of business that will not utilize the grease interceptor.

III. Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to the Water Pollution Control Facility and collection system resulting from non-compliance with any best management practices or effluent limitations specified in this permit.

IV. Severability

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

V. Duty to Comply

The permittee must comply with all conditions of this permit. Failure to comply with the requirements of this permit may be grounds for administrative action or an enforcement proceeding including civil or criminal penalties, injunctive relief and summary abatements.

VI. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact to the publicly owned treatment plant, collection system, or the environment resulting from non-compliance with this permit.

VII. Other Reports

All permittees will be required to file all reports as described in Chapter 53 of the Code of Ordinances for Muncie. This reporting will include, but is not limited to, the following:

- (A) Periodic Progress Report. This report is due fourteen (14) days from each specific date of progress in the compliance schedule. This report will detail whether the progress detailed in the compliance report is being completed on the specific date stated.
- (B) Compliance Reporting. All permitted industries, must file a compliance report if they are not meeting required effluent limitations. This report will include a schedule stating specific dates of progress for coming into compliance.

VIII. Accidental Discharge Report

The permittee shall notify the Bureau of Water Quality immediately upon the occurrence of an accidental discharge of substances prohibited by Section 53.04 of the Muncie Code of Ordinance or any slug loads of spills that may enter the public sewer. During normal business hours, the Bureau of Water Quality should be notified by telephone at 747-4896. At all other times, the Muncie Water Pollution Control Facility should be notified by telephone at 747-4852 after 4 p.m. Monday-Friday or weekends and holidays. The notification shall include location of discharge, date and time thereof, type of waste, including concentration and volume, and corrective actions taken. The permittee's notification of accidental releases in accordance with this section does not relieve it of other reporting requirements that arise under local, State, or Federal laws.

Within five (5) days following an accidental discharge, the permittee shall submit to the Bureau of Water Quality, unless waived by the Director, a detailed written report. The report shall specify:

- (A) Description and cause of the upset, slug load or accidental discharge, the cause thereof, and the impact on the permittee compliance status. The description should also include location of discharge, type, concentration, and volume of waste.
- (B) Duration of noncompliance, including exact dates and times of noncompliance and, if the noncompliance is continuing, the time at which a return to compliance is reasonably expected to occur.
- (C) All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such upset, slug load, accidental discharge, or other conditions of noncompliance.

IX. Twenty-four (24) Hour Notification

The permittee must notify the Bureau of Water Quality within twenty-four (24) hours of becoming aware of a wastewater discharge, Best Management Practices, or other applicable violation.

X. Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible all treatment of control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this permit, including, but not limited to the following:

- (A) Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee

to achieve compliance with the conditions of this permit. Proper operation and maintenance includes, but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (B) Duty to Halt or Reduce Activity. Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control its production or discharges (or both) until operation of the treatment facility is restored or an alternative method of treatment is provided. This requirement applies, for example, when the grease interceptor has not been properly maintained or cleaned. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- (C) Bypass of Treatment Facilities
- (1) Bypass is prohibited unless it is unavoidable to prevent loss of life, personal injury, severe property damage, or no feasible alternatives exist.
 - (2) The permittee may allow bypass to occur which does not cause effluent limitations to be exceeded, but only if it is also for essential maintenance to assure efficient operation.
 - (3) Notification of bypass:
 - i. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior written notice at least ten (10) days before the date of the bypass to the Bureau of Water Quality.
 - ii. Unanticipated bypass. The permittee shall immediately notify the Bureau of Water Quality and submit a written notice to the Bureau within five (5) days. This report shall specify:
 1. A description of the bypass, its cause and its duration;
 2. Whether the bypass has been corrected; and
 3. The steps being taken or to be taken to reduce, eliminate and prevent a recurrence of the bypass.

XI. Removed Substances

Solids, sludge, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in accordance with Chapter 53 of the Code of Ordinances for Muncie unless otherwise authorized by the Director of the Bureau of Water Quality.

XII. Dilution

The permittee shall not increase the use of potable or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

XIII. Bureau Inspection and Sampling

The Bureau of Water Quality shall have the right to inspect the facilities of any use to ascertain whether the purpose of this permit is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Bureau, or its representative, ready access at all reasonable times to all parts of the premises for the purposes of inspection and/or sampling in the performance of any of their duties. The Bureau shall have the right to set up on the permittee's property such devices as are necessary to conduct sampling or metering operations. Where a permittee has security clearance before entry into their premises, the permittee shall make necessary arrangements with their security personnel so that, upon presentation of suitable identification, personnel from the Bureau will be permitted to enter without delay to perform their specific responsibilities. These responsibilities include, but are not limited to, the following:

- (A) Having access to where records must be kept under the conditions of this permit;
- (B) Having access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

- (C) Inspection at any time all facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;
- (D) Sampling or monitoring, for the purposes of assuring permit compliance any substances or parameters at any location; and
- (E) Inspecting any production or storage area where pollutants, regulated under the permit could originate, be stored, or be discharged to the sewer system.

XIV. Permit Appeals

The permittee may petition the Director of the Bureau of Water Quality, MSD to appeal the terms of this permit within thirty (30) days of the receipt of this permit by the permittee.

This petition must be in writing. Failure to submit a petition for review shall be deemed to be a waiver of the appeal. In its petition, the permittee must indicate the permit provision(s) objected to, the reasons for the objection(s), and the alternative condition(s), if any, it seeks to be placed in the permit.

The Bureau shall not stay the effectiveness of this permit pending reconsideration. If after considering the petition and any arguments put forth by the permittee, the Bureau determines that reconsideration is in order, it shall reissue the permit with the appropriate modifications. Those permit provisions being reconsidered by the Bureau shall be stayed pending reissuance. If the Bureau's decision is to not accept the permittee's appeal, then the permittee may use the same appeal procedure to the Board of Sanitary Commissioners of the Muncie Sanitary District within thirty (30) days of the Bureau of Water Quality's written decision not to reconsider.

The Board of Sanitary Commissioner's decision not to reconsider a final permit shall be considered final administrative action for purposes of judicial review. The permittee seeking judicial review of the Board's final action must do so by filing a complaint with the Circuit or Superior Court for Delaware County within the appropriate State Statute of Limitations.

XV. Permit Modification

The terms and conditions of this permit shall be subject to modification and change by the Bureau during the life of the permit as limitations or requirements identified in the Chapter 53 of the Code of Ordinances of Muncie are modified and changed. The user shall be informed of any proposed changes to this permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in this permit shall include a reasonable time schedule for compliance. This permit may be modified for good cause to include, but not be limited to, the following:

- (A) Incorporation of any new or revised Federal, State, or local pretreatment standards and/or Best Management Practice requirements;
- (B) Any material or substantial alterations or additions to the discharger's operation processes in discharge volume, or waste characteristic which were not considered in drafting the effective permit;
- (C) Any change in any condition by either the permittee or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (D) Any information indicating that the permitted discharge poses a threat to the Control Authority's collection and treatment systems, POTW personnel, or the receiving waters;
- (E) Violation of any terms or conditions of the permit;
- (F) Misrepresentation or failure to fully disclose all relevant facts in the permit application or in any required reporting;
- (G) To correct typographical or other errors in the permit;
- (H) To reflect transfer of the facility ownership and/or operation to a new owner/operator;
- (I) Upon request of the permittee, provided such request does to create a violation of any applicable requirements, standards, laws, rules, or regulations.

The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

XVI. Permit Transfer Restrictions

This FOG discharge permit shall not be reassigned, transferred, or sold to a new owner, new use, different premises, or a new or changed operation unless authorized by the Director of the Bureau of Water Quality. This discharge permit may be transferred to a new owner if the industrial process remains the same, at the same location, and is authorized by the Bureau with the following conditions:

- (A) The permittee must give at least thirty (30) days advance notice to the Bureau;
- (B) The notice must include a written certification by the new owner which:
 - (1) States that the new owner has no immediate intent to change the facility's operations and processes;
 - (2) Identifies the specific date on which the transfer is to occur; and
 - (3) Acknowledges full responsibility for complying with the existing permit.

XVII. Continuation of Expired Permits

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

- (A) The permittee has submitted a complete permit application at least sixty (60) days prior to the expiration date of the permittee's existing permit; and
- (B) The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

XVIII. Confidential Information

- (A) All information and data on a permittee obtained from reports, questionnaires, permit application, permits, monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the permittee specifically requests and is able to demonstrate to the satisfaction of the Bureau that the release of such information would divulge processes or methods which are important to the permittee's competitive position. See Section 53.59 of the Muncie Code of Ordinances.
- (B) When requested by the person furnishing a report, the portions of a report, which might disclose trade secrets or secret processes, shall not be made available for inspection by the public, but shall be made available to governmental agencies for use in making studies. However, such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.
- (C) Wastewater constituents and characteristics will not be recognized as confidential information. The Bureau shall not transmit to any governmental agency or to the general public confidential information accepted by the Bureau until and unless prior adequate notification is given to the permittee.

XIX. Falsifying of Information

Any person who knowingly makes any false statement or representation, record, report, plan, or other documents filed with the Bureau, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, upon conviction, shall be punished by a fine of not more than \$2,500.00. A maximum administrative fine \$1,000.00 per parameter per day may also be leveled by the Director of the Bureau of Water Quality upon confirmation of such violations as authorized under the Bureau's Enforcement Response Guide (ERG). Each incident is considered a separate violation.

XX. Revocation (Termination) of Permit

Any permittee, who violates the following conditions of the authorization of Chapter 53 of the Muncie Code of Ordinances, or this permit, is subject to having this permit revoked. The Bureau may revoke any wastewater discharge permit and terminate or cause to be terminated wastewater service to any premise if a violation of any provision of this permit is found to exist. Additionally if a discharge of wastewater causes or threatens to cause a condition of contamination, pollution, or nuisance as defined in Chapter 53 of the Code of Ordinances for Muncie, this permit may be revoked and wastewater service to the permittee may be terminated. This provision is in addition

to other statues, rules of regulations, authorizing termination of service for delinquency in payment. This permit may also be terminated for the following, but not limited to the following reasons:

- (A) Failure of permittee to factually report the wastewater constituents and characteristics of their discharge;
- (B) Failure of the permittee to report significant changes in operations, or wastewater constituents and characteristics;
- (C) Refusal of reasonable access to the permittee's premises for the purpose of inspection or monitoring;
- (D) Violation of conditions of this authorization;
- (E) Falsifying self-monitoring reports;
- (F) Tampering with monitoring equipment;
- (G) Refusing to allow timely access to the facility premises and records;
- (H) Failure to meet effluent limitations;
- (I) Failure to pay fines; and/or
- (J) Failure to meet compliance schedules (See Section 53.40 of the Muncie Code of Ordinances).

XXI. Annual Publication in Local Newspaper

A list of all users, which were in significant Noncompliance (SNC) during the twelve (12) previous months, shall be published annually by the Bureau of Water Quality in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW. Accordingly, the permittee is appraised that noncompliance with this permit may lead to an enforcement action and may result in publication of its name in an appropriate newspaper in accordance with this section and the requirements of the Clean Water Act.

XXII. Penalty

Any persons who intentionally or negligently violates any provision of this permit or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation shall, upon conviction, be punished by a fine not exceeding \$2,500.00 per parameter per day. An Administrative fine of a maximum of \$1,000.00 per violation per day may also be leveled by the Director of the Bureau of Water Quality upon confirmation of such violations. Every day any violation of this permit exists shall constitute a separate offense.