

Exhibit A

RULES AND REGULATIONS OF

**MORGAN COUNTY
REGIONAL SEWER DISTRICT**

Effective Date:

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**MORGAN COUNTY REGIONAL SEWER DISTRICT
RULES AND REGULATIONS FOR THE WAVERLY SEWER AREA**

PART 1 - GENERAL

1.01 SUMMARY

- A. The following rules and regulations for the operation of the sanitary sewage disposal system in the Waverly Service Area of the Morgan County Regional Sewer District (“District”) have been adopted to meet the needs of the District and shall be a part of the requirements for every person who resides in the District’s Waverly Service Area or uses the sanitary sewage disposal service supplied by the District in the Waverly Service Area. Every such person, by accepting such service, shall be conclusively presumed to have knowledge and to have expressed his consent to be bound hereby. These Rules and Regulations do not apply to the in service areas of the Morgan County Regional Sewer District located in Madison Township, Morgan County, IN.

1.02 DEFINITIONS

- A. The following words, as used in these Rules and Regulations, have the following respective meanings.
 - 1. DISTRICT means the Morgan County Regional Sewer District, which is engaged in the business of rendering sanitary sewage disposal service to the public.
 - 2. BOARD means the duly appointed Board of Directors of the District. Actions of the District are binding only if approved by a majority of the Board members in a meeting held in accordance with applicable Indiana statutes.
 - 3. CUSTOMER means any person, governmental agency, corporation, or other legal entity receiving sewage disposal service from the District or for whom service is available from the District within the Waverly Service Area and has accepted responsibility for any billing for Service of the District.
 - 4. DEVELOPER means any Person or Person’s agent that proposes, is then currently, or has constructed Wastewater Facilities for Service by the District in the Waverly Service Area.
 - 5. SANITARY SEWER means the piping, lift stations, force mains, manholes, Sewer Taps, and appurtenances and fixtures of the Wastewater Facilities that convey Normal Domestic Wastewater or Industrial Wastewaters or a combination of both to the Wastewater Treatment Plants, and into which stormwater, surface water, groundwater, and other unpolluted wastes are not intentionally passed within the Waverly Service Area.
 - 6. A LATERAL SEWER is the sewer pipe, owned by the District, located in a public right-of-way or dedicated or private utility easement which accepts

sewage from the service lines which connect the said lateral sewers to each structure and delivers the said sewage to District's collection system within the Waverly Service Area.

7. PREMISES shall mean any single family residence, school, or commercial or industrial structure located in the District's Waverly Service Area.
8. A EQUIVALENT DWELLING UNIT, "E.D.U." or "EDU" shall be the unit of measurement of quantities of Service, shall be equivalent to 310 gallons per day, and shall be allocated in whole numbers of one or more (by averaging the number up (.50 or greater) or down (.49 or less)).
9. EPA means Environmental Protection Agency.
10. OSHA means Occupational Safety and Health Act.
11. A SERVICE LINE is a sewer pipe which accepts sewage from a structure and delivers it to a Lateral Sewer.
12. A TAP is a fitting owned by the District and inserted in the Lateral Sewer to which the Service Line is attached.
13. SERVICE AREA(s) are area(s) within Harrison Township, Morgan County, IN that are within or outside the boundaries of the District to which the District provides sewer service or to which the District has sewer service available.
14. SEWER CONTRACTOR is any person, firm, or corporation engaged in the sewer contracting business who offers his service to any present or prospective sewer Customer on a per diem, per hour, or contract basis.
15. DISTRICT STANDARDS means the details required by the District in the plan set and technical specifications for a Project to meet part of the District criteria for an acceptable Sanitary Sewer design.
16. ENGINEER or DISTRICT ENGINEER means a Person hired by the District to perform consulting services generally related to day to day operations of the District and District projects and may include, but not be limited to, tasks such as general advice to the District or Developers and planning and design services.
17. GRINDER PUMP shall mean a submersible sewage grinder pump system approved by the District, which shall be the only pump used to transfer the effluent from a Premises to the Lateral Sewer, unless Customer has obtained specific written permission from District to use another grinder pump. WASTE" means rejected, unutilized or superfluous substances in liquid, gaseous, or solid form.
18. WASTELOAD ALLOCATION shall mean a commitment by the District to provide the Service subject to compliance with the District's rules and regulations. Wasteload Allocations shall be measured in EDUs and

assigned to a tract or tracts of land. Wasteload Allocations shall be subject to revision in the event of altered land use, with or without change of ownership or title.

19. WASTELOAD ALLOCATION LETTER means the letter issued by the District to a Developer for a Developer project or the Engineer for a District project that includes a verification by the District the Wastewater Facilities have capacity for the wastewater flow from the proposed project. This letter is required to gain an IDEM Facility Construction Permit.
20. WASTEWATER means a combination of Normal Domestic Wastewater and Industrial Wastewater together with any ground, surface, and Storm Water that may have unintentionally entered the Wastewater Facilities.
21. WASTEWATER FACILITIES means any physical facility intended to collect, convey, treat, or discharge water within the District and is owned or operated, or proposed to be owned, operated or controlled by the District.
22. WASTEWATER TREATMENT FACILITY means any District-owned or operated facilities, devices, and structures used for receiving, processing and treating Wastewater from the Sanitary Sewers.
23. FOG means wastewater containing fats, oils, and/or greases, including but not limited to commercial and institutional food service facilities, automotive repair facilities, and all other facilities producing wastes.

- B. The pronoun HIM includes her and, where appropriate, the singular includes the plural; the plural includes the singular and the masculine includes the feminine and neuter. Where applicable, HIM includes any corporation, partnership or other entity constituting the Customer.

PART 2 - GENERAL REQUIREMENTS

2.01 Rule 1 – SERVICE

- A. Payment for Services
 1. Each Customer shall be liable for and shall pay for all services rendered under the terms of the District’s Rules and Regulations unless and until District shall release him from the term, thereof. All charges for service are the liability of the Customer and his moving from one property or location to another does not in any manner affect or limit his liability for charges incurred at a previous location.
- B. Service Commencement Requests, Service Discontinuation Requests and Service Abandonment.
 1. Service to a Customer shall be commenced upon connection to Wastewater Facilities upon the Customer's compliance with all applicable District rules, regulations, policies and procedures, including the providing of required

information, and payment of all applicable fees and charges. Service shall be discontinued upon acceptance by another customer of responsibility for the Service, or, if a Customer has abandoned responsibility for District billings without notifying the District, upon the District's discovery of the abandonment.

C. Wasteload Allocation Calculation.

1. A Wasteload Allocation shall be calculated using the method below applicable to a given Development:
2. Using flow calculation factors listed in Table 11-1 of 327 IAC 3-6-11

2.02 Rule 2 – AGENT OF DISTRICT

A. District agent's authorities.

1. No promises, agreements or representations of any agent, employee, or authorized representative of the District shall be binding upon the District unless the same shall have been approved by the Board.

2.03 Rule 3 – DISCHARGE TO SYSTEM

A. Sewage may not be emitted from the Premises into District's system without the prior authorization of the District.

1. Anyone violating this rule shall be required to pay District its monthly service charge for any month, or fraction thereof, that sewage was emitted from the said Premises into District's system and to reimburse District for all expenses incurred by it in terminating such unauthorized use of its system.

2.04 Rule 4 – ALLOCATION

A. The sewage service furnished by District is for the use of the Customer on his designated Premises, and shall not, without written consent of District, be resold or extended by Customer to serve additional lots, premises, or improvements.

2.05 Rule 5 – AVAILABILITY

A. Sewer service shall be rendered to all Customers on a non-discriminatory basis in accordance with the District's rates and charges. No change shall be made in the rates or charges until after such change has been approved by the Board.

2.06 Rule 6 – ALLOCATION MULTIPLE USERS

A. Multiple family users shall pay the prescribed residential service fee for each single-family unit served.

2.07 Rule 7 – CONSTRUCTION PROCEDURES

A. Any person proposing to construct a sewer system connecting to the District's sewers shall obtain a permit for sewer construction prior to initiation of construction and comply with all District standards regarding sewer construction.

- B. Any person proposing to construct any building in the District’s service areas shall obtain a building permit from the District prior to initiation of construction. The issuance of a District building permit does not relieve the person from the responsibility of obtaining building permits from the county or other entities also regulating building construction.
- C. Any person constructing a building requiring sewer service from the District shall obtain a Certificate of Occupancy from the District indicating all fees, inspections, and approvals have been received prior to transfer of title or occupancy of the new structure.
- D. Any contractor, builder or developer shall be liable for the minimum monthly charge from time of connection until notification of occupancy, if such contractor, builder or developer fails to notify District of such occupancy.

2.08 Rule 8 – ALLOCATION DEPOSIT

- A. The District may require a reasonable deposit from the Customer to secure the payment of charges for service. Such deposits shall be an amount approximating the Customer's minimum charge for two billing periods, unless the charges to the Customer for such periods are expected to be in excess of the minimum, in which case the deposit shall approximate the estimated charge for two billing periods.

2.09 Rule 9 – ALLOCATION DEPOSIT INTEREST

- A. Every such deposit held by the District more than six months shall bear simple interest at the rate of six percent per annum, payable annually upon demand or upon termination of service. A receipt will be issued by the District for each deposit. The deposit plus interest will be refunded when service has been discontinued and all charges for service have been paid in full. Interest shall not be paid after discontinuance of service to the Customer if the District has made reasonable effort to return the deposit to the Customer. Refund of the deposit and interest will be made upon surrender of the deposit receipt or, in case the receipt is lost, by the execution by the depositor or proper representative of any affidavit sufficient to show that he is the person entitled to the deposit and interest.

PART 3 - BILLING

3.01 Rule 10 – BILLING AND BILLING CYCLES

- A. All Customers and others obtaining Service from the District shall be billed for the Service. The District shall provide a monthly billing cycle. When service is initiated mid-billing cycle, the first bill shall be prorated based on the number of days of service provided. After the end of the first billing cycle, the customer shall start regular monthly payments. A bill is considered delivered when deposited in the U.S. Mail, postage prepaid.
- B. All District billings shall be on a per connection basis.

- C. Commercial building exception: There will be no split billings of single owner commercial buildings. However, if tenants are individually metered for water usage, the District shall bill individual tenants upon request.

3.02 Rule 11 - BILLING PERIOD

- A. The billing period for sewage shall be a calendar month, and any unused portion of the quantity of service allowed for the minimum charge may not be transferred or refunded.

3.03 Rule 12 – BILLING LATE PAYMENT

- A. The District shall add a late payment penalty fee in the amount of 3% of all past due amounts for each bill or account which shall become delinquent.
- B. Partial payments shall be applied first to the penalties and then to the amounts delinquent for the longest time.

3.04 Rule 13 – BILLING OF METERED FLOWS

- A. When meters are used, the District will make an effort to read the meters at least once a month and such reading shall be prima facie evidence of the amount of sewage emitted and shall be the basis of Customer's bill. If a meter fails to register, or if the District is unable to gain access to a Customer's property, or otherwise does not obtain a meter reading, the Customer shall pay the average rate as shown by the record of previous meter readings. The first charge after a meter reading is obtained shall be so adjusted according to the meter readings.

3.05 Rule 14 – CHARGE ABATEMENT

- A. There will be no temporary abatement of charge in whole or in part by reason of the extended absence of a Customer.

PART 4 - SERVICE

4.01 Rule 15 – INTERRUPTION OF SERVICE

- A. The District shall exercise reasonable care and diligence to treat and dispose of all sewage omitted from Customer's Premises. The District reserves the right to suspend services temporarily for necessary repairs and improvements and will undertake to keep these interruptions at a minimum and to notify Customers of impending interruptions whenever possible; but the District shall not be responsible for any failure or interruptions in service, nor for any loss or damage resulting therefrom.

4.02 Rule 16 – TERMINATION OF SERVICE

- A. A Customer's service may be discontinued by the District for any of the following reasons:
 - a. For any tampering or knowingly permitting any tampering with any service line, meter, meter seal, or any of District's facilities or equipment.
 - b. For vacancy of property.

- c. For failure to pay any bill or charge when it is due as provided in Rule 17 herein.
 - d. For failure to provide free and non-hazardous access to property so that representatives of the District may take meter readings, make all necessary inspections, maintain, replace, or remove any of District's facilities, as provided in Rule 25 herein.
 - e. For-violation of any of these Rules and Regulations or any amendments thereof.
 - f. For placing or permitting any deleterious substance to enter the sewer system that will adversely affect the ordinary treatment of the sewage in the treatment plant after such action has been called to the attention of Customer.
 - g. For interfering with, damaging, or destroying any sewage disposal facilities belonging to District.
 - h. For installing new sewer pipe and fittings or altering or removing existing sewer pipe or fittings without a permit from the District.
 - i. For permitting any condition to exist about the Premises that causes or might cause pollution of the public.
 - j. Upon order to do so by the Indiana State Board of Health or by any authority or agency having jurisdiction over such matters.
- B. The District shall have the right to obtain injunctive relief and other legal remedies, including payment of legal fees and court costs, through courts of competent jurisdiction for any act or omission resulting in violation of the District's rules and regulations.

4.03 Rule 17 -DELINQUENCIES

- A. If bills are not paid within 21 days after the mailing thereof, a written notice of delinquency shall be mailed to the delinquent Customer or personally delivered to him or a member of his household or left at the address where such service is being rendered. The notice of delinquency shall advise the Customer of all violations of the Rules and Regulations of the District by the Customer and shall further advise the Customer that in the event all such violations are not satisfactorily cured within sixty (60) days of the date of the Notice, then the District may discontinue service. The Board may authorize the discontinuance of service for any Customer or account where a bill remains unpaid or a violation of the Rules remains uncured more than sixty (60) days after the mailing of the Notice. The District shall provide a Customer three (3) days prior notice of a discontinuance of service and the Customer shall be assessed a disconnect fee in the sum of \$100.00. However, where the District's regulating or measuring equipment has been tampered with, or where a dangerous condition is found to exist on the Customer's Premises, service may be shut off without notice of any kind or nature.

- B. Regarding bills three (3) months delinquent or more, the Board may request the County Assessor add the delinquent billings, including penalties and interest to the extent allowed by law, to the tax roll of the property served by the delinquent bill.

4.04 Rule 18 -SERVICE RECONNECTION

- A. Whenever the District has discontinued service to a Premises, the Customer shall not reinstate such service, nor employ or cause any person to do so without a permit from the District. The Customer shall pay all past due balances on the Customer's account, including all delinquencies, disconnect fees and reconnection fees prior to being issued a permit to reestablish service. A reconnection fee in the sum of \$50.00 shall be charged to Customers reconnecting service after being disconnected under Rules 16 or 17.

4.05 Rule 19 – SERVICE RECONNECTION INSPECTION

- A. Service, once discontinued, will be renewed by the District upon application of the Customer when the conditions under which such service was discontinued are corrected, and upon the payment of all charges due from the Customer. Customer shall give District access to the Premises during regular and customary business hours for the purpose of reinstalling a service and District shall not be required to perform such work at other than customary business hours.

4.06 Rule 19A – SERVICE ENFORCEMENT RIGHTS

- A. The District shall retain the right and ability to assert all remedies permitted by Law for any violation of the Rules, including injunction. The District shall be entitled to payment for all attorney fees and cost incurred by the District for the enforcement of any of the Rules against a Customer who shall be in violation of any of the Rules.

PART 5 - METERS

5.01 Rule 20 – METERING OF SERVICE

- A. District shall furnish sewage disposal service to all residents in its service area for residential purposes, on an unmetered basis, but it reserves the right to meter the flow from a Premises if it suspects that waste from sources other than residential or sources not covered by a service contract are being allowed to enter District's sewer system. For all customers other than residential, District shall have the right to install a sewage meter and collect monthly sewage disposal charges, based on the volume of sewage emitted monthly. Where District's sewage Customers purchase water from other utilities on a metered basis, and agreement has been reached with such utility company for the use of such meter to determine monthly sewage flow, customer shall make such meter available for reading on a regular basis as prescribed for in Rules 16 and 25.

5.02 Rule 21 – USE OF METERS

- A. When meters are used, they will be set or changed on the Customer's Premises after Customer has caused the installation of a meter vault, in accordance with plans and specifications approved by District. Such vault shall include an access hatch no smaller

than 24" square with a locking device. Any refusal by Customer to agree to a meter or meter vault installation or the location thereof, shall, at the option of the District, be sufficient reason to refuse sewage disposal service to such Customer until such requirements are met. When used, the meter will be furnished by the District and shall remain the property of the District at all times.

5.03 Rule 22 – REPAIRS TO METERS

- A. Ordinary repairs to meters will be made by the District without expense to the Customer. Repairs to meters made necessary because of Customer's negligence shall be made by District, but the cost of such repairs shall be charged to the Customer, and his failure to pay therefore shall subject him to the penalties provided herein for failure to pay service charges.

5.04 Rule 23 – TYPE OF METERS

- A. When metering devices are used to determine sewage flows, District reserves the right to type and brand selection. A meter will be tested by the District upon reasonable request of the Customer. The Customer may have a representative present when the meter is tested.

5.05 Rule 24 – PROTECTION OF METER

- A. All meters shall be protected from frost by Customer and shall be kept readily accessible for inspection and reading by District's representatives.

5.06 Rule 25 -ACCESS TO METER

- A. Properly identified District personnel shall have access to Customer's Premises at all reasonable times to read meters, to inspect District's property, to check for unsafe conditions, and for all other purposes connected with rendering sanitary sewage disposal services.

PART 6 - CONNECTIONS

6.01 Rule 26 – SERVICE CONNECTION

- A. No Customer shall connect to the District's sewage disposal system until after the Customer has paid any facilities fee required by District and approved by the Board. If any person shall fail to pay any authorized facilities fee, District shall have the right to disconnect such Customer from its system until after such facilities fee has been paid and District has been reimbursed for its expense incurred in disconnecting such person from its system, including the District's reasonable attorney fees.

6.02 Rule 27 – INSPECTION OF SERVICE CONNECTION

- A. All service lines not constructed by District and all taps or connections to District's lateral sewers shall be made only in accordance with plans and specifications approved by District, and shall include such appurtenances and facilities as District may require. All such service lines shall be exposed and inspected by the District prior to connection. Any such connection shall be made only under direct authority from, and supervision by,

an officer of District or an employee designated by District for such purpose. All cleanouts or inspection pipes shall be installed at the sole expense and election of the Customer; however, any cost incurred by Customer as a result of Customer not having caused the installation of such facilities shall be borne by the Customer. The District will make all reasonable efforts to have a supervisor available during normal working hours to inspect all connections.

6.03 Rule 28 – REPAIRS OF COLLECTION LINES

- A. No person shall perform any work on or in connection with lines or facilities owned by District until he has received a permit from District to do such work. If, as a matter of economic expediency, the connection must be made when an authorized agent of the District cannot be available during normal working hours, then the underground work may be covered provided the Customer or his contractor can reasonably satisfy the District that the connection will be made pursuant to the District's specifications and said contractor has received prior written consent from the District. The Customer and/or his contractor shall bear all risk associated with any connection made or work performed by a Customer prior to inspection by the District and the District shall not be responsible for any costs incurred by the Customer or his contractor to expose the connection or otherwise satisfy the District that the connection or work performed was proper.

6.04 Rule 29 – REQUEST FOR SERVICE INSPECTION

- A. A minimum of twenty four (24) hours prior notice to District or its agent shall be required prior to making inspection, said inspection to be made during the District's normal working hours. No underground work shall be covered until District has inspected and approved same. District shall have the right to charge an inspection fee as approved by the Board for its services in processing each application and making each inspection. Before requesting an inspection or the making of a tap by Customer, the sewer contractor shall have the work in such state that the inspection or tap can be made at the scheduled time.

6.05 Rule 30 – PRIVATE LATERAL

- A. Any repairs or maintenance required to the service line owned by Customer is the sole responsibility of Customer.

6.06 Rule 31 – DISTRICT MATERIALS

- A. All pipe, tile, and equipment furnished by District, which may at any time be on or in the Customer's Premises, shall, unless otherwise expressly provided, be and remain the property of the District and the Customer shall protect such property from loss or damage, and no one who is not an agent of District shall be permitted to remove such property or tamper therewith. All persons are forbidden to cover up or in any way tamper with any manhole or facility owned by District.

6.07 Rule 32 – PROHIBITED LATERAL CONNECTION

- A. Connections between septic tanks and the District's sewer lines shall not be permitted.

6.08 Rule 33 – PRIVATE LATERAL INSTALLATION

- A. The customer shall be required to pay all expenses incurred in the connection or tapping of District's service lines. All work shall be performed by contractors employed by Customer at Customer's expense subject to reasonable right of approval by District.

PART 7 - RESTRICTIONS

7.01 Rule 34 – PROHIBITED DISCHARGES

- A. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, sub-surface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Upon finding any connection to its sewer system in violation of the rule, District may cause such connection to be disconnected and charge such Customer a reasonable fee for its services and expenses in doing so. Failure to pay such charges within 21 days after notification of these charges is mailed to the Customer shall subject such Customer to the same penalties provided herein for failure to pay service charges.

7.02 Rule 35 – WASTEWATER DISCHARGES

- A. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into any sanitary sewer:
 - a. Any liquid or vapor having a temperature higher than 150 degrees F.
 - b. Any water or waste which may contain more than 208 parts per million, by weight, of fat, oil or grease.
 - c. Any gasoline, benzene, naphtha, fuel oil, or other inflammable or explosive liquid, solid or gas of any type or nature.
 - d. Any garbage that has not been properly shredded.
 - e. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage treatment plant.
 - f. Any waters or wastes having a pH lower than 5.5 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, facilities, and personnel of the sewage treatment plant.
 - g. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving of the sewage treatment plant.

- h. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expenses are required to handle such materials at the sewage treatment plant.
- i. Any noxious or malodorous gas or substance capable of creating a public nuisance.

7.03 Rule 36 – FOG AND PRETREATMENT

- A. Grease, oil, and sand interceptors shall be provided by Customer when, in the opinion of the District or as required by law, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients except that such interceptors shall not be required for private living quarter or dwelling units. All interceptors shall be of a type and capacity approved by District and shall be located as to be readily and easily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight, and equipped with easily removable covers which, when bolted in place, shall be gas tight and water tight.

7.04 Rule 37 – FOG COLLECTION SYSTEMS

- A. Where installed, all grease, oil and sand interceptors shall be maintained by the Customer, at his sole expense, in continuously efficient operation at all times.

7.05 Rule 38 – PROHIBITED WASTEWATER CHARACTERISTICS

- A. The admission into the District's sewers of any waters or wastes containing the following is prohibited:
 - 1. A five day biochemical oxygen demand greater than 208 parts per million weight, or
 - 2. Containing more than 240 parts per million weight of suspended solids, or
 - 3. Containing any quantity of substance having the characteristics described in Rule 35 or in subparagraph 1 or 2 of this Rule 38, or
 - 4. Having an average daily flow greater than two percent of the average daily flow of the sewer system serving the area shall be subject to review and approval of the District.
- B. The customer shall provide, at his sole expense, such preliminary treatment as may be necessary to:
 - 1. Reduce the biochemical oxygen to 208 parts per million and the suspended solids to 240 parts per million by weight, or
 - 2. Reduce objectionable characteristics or constituents to within the maximum limits provided for in Rule 35, or
 - 3. Control the quantities and rates of discharge of such waters or wastes.

Plans, specifications and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the District and of the Indiana Department of Environmental Management and any other required regulatory agency, and no construction of such facilities shall be commenced until said approvals have been obtained in writing.

7.06 Rule 39 – PRETREATMENT FACILITIES

- A. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operations, by the Customer at his sole expense, according to methods approved by the District.

7.07 Rule 40 – METERING AND SAMPLING MANHOLES

- A. When required by the District, the Customer on any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by Customer at his sole expense and shall be maintained by him so as to be safe and accessible at all times.

7.08 Rule 41 – SPECIAL AGREEMENTS

- A. No statement contained in these Rules and Regulations shall be construed as preventing any special agreement, or agreements, between the District and any industrial Customer whereby an industrial waste of unusual strength or character may be accepted by the District for treatment, subject to payment by the industrial Customer of a rate and/or charge to be determined by the District.

PART 8 - GENERAL PROVISIONS

8.01 Rule 42 – DISTRICT LIABILITIES NATURAL DISASTERS

- A. The District shall not be held liable for any failure or delay in performing any of the things undertaken by it when such failure or delay is caused by strike, acts of God, unavoidable accident, or other contingencies beyond its control and in no manner due to its fault, neglect, or omission, nor shall District be liable for damage cause by interruption in, or failure of service, or by waste escaping from piping on Customer's property.

8.02 Rule 43 – DISTRICT LIABILITIES IN INTERRUPTION OF SERVICE

- A. The District shall not be liable for the failure, interruption or malfunction, including backup, of its system and service caused by flood, earthquake, high water, war, riot, or civil commotion, vandalism, acts of others, or acts or failure of action of any local governmental authority to enforce or provide proper surface drainage or ditches for surface water runoff, or other circumstances over which District has no control, where the District has used reasonable care in installing and maintaining its system in accordance with acceptable standards in the sewer utility business.

8.03 Rule 44 – GOVERNING AGENCIES

- A. All laws of the United States and the State of Indiana and Rules and Regulations of the Indiana Department of Environmental Management and the EPA applicable to rendering of sanitary sewage disposal service are hereby incorporated herein by reference.

8.04 Rule 45 – APPLICABILITY OF RULES

- A. If any section, sentence or provision of these Rules, or the application thereof, to any person or circumstances, shall be declared unconstitutional or invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or application of these Rules which can be given effect without the invalid provision or application, and to this end, the provisions of these Rules are declared to be severable.

PART 9 - OTHER FEES AND CHARGES

9.01 Rule 46 – ADOPTION OF FEES AND CHARGES

- A. The Board shall adopt and revise from time to time as deemed necessary the following fees and charges to be subject to the conditions provided herein.
 - 1) Development-Related Fees.
 - (i) Plan Review Fee, to be paid at the time of receipt of invoice for plan review time from the District.
 - 2) Wastewater Facility Construction-Related Fees.
 - (i) Application for Wasteload Allocation, to be paid at the time of filing of the application Wastewater Facility Construction Permit.
 - (a) Capacity Charge, paid in its entirety prior to issuance of a Wasteload Allocation.
 - (b) Interceptor Fee, paid in its entirety prior to issuance of a Wasteload Allocation.
 - (ii) Permit Applicant shall be invoiced by the District for wastewater facility inspection on an hourly basis based on the fee in the rate ordinance. Fees shall be equal to the normal hourly charges of the District and District’s representatives attending multiplied by the number of hours attributable to that task.
 - 3) Sanitary Lateral Construction-Related Fees.
 - (i) Fees Applicable For All Building Construction that have not been previously paid above:
 - (a) Capacity Charge, paid in its entirety prior to issuance of a Wasteload Allocation.
 - (b) Interceptor Fee, paid in its entirety prior to issuance of a Wasteload Allocation.

9.02 RULE 47 - LIENS

- A. A lien may be filed on behalf of the District to collect any delinquent amount owing to the District. Such liens shall be filed according to the procedures as are available to the District under applicable law. Such lien may be created and enforced pursuant to Indiana Code 13-3-2-27 by certifying to the Morgan County Auditor the amount owed to the District.
- B. The District may enforce the standard foreclosure provisions under Indiana Code 13-3-2-28 to collect a delinquent amount owing to the District.

9.03 RULE 48 - AUTHORITY TO ENTER PROPERTY

- A. The District and duly authorized employees of the District bearing proper credentials and identification are entitled to enter any public or private property at any reasonable time for the purpose of enforcing these rules and regulations subject to other legal restrictions related to the entry.
- B. Anyone acting under this authority shall observe the establishment's rules and regulations concerning safety, internal security, and fire protection.
- C. The District and other duly authorized employees of the District bearing proper credentials and identification are entitled to enter all private properties through which the District holds an easement for the purposes of:
 - (i) Inspection, observation, measurement, sampling, or repair;
 - (ii) Maintenance of any portion of the Wastewater Facilities lying within the easements; and
 - (iii) Conducting any other District activity.

All activities shall be conducted in full accordance with the terms of the easement pertaining to the private property involved. No person acting under authority of this provision may inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper, or other industries except to the extent that the processes have direct bearing on the kind and source of Discharge to the Wastewater Facilities.

9.04 RULE 49 - LEGAL ENFORCEMENT

- A. In addition to any other provision contained in these rules and regulations, the District reserves the right at any time to seek legal and/or equitable remedies against any person or corporation allegedly violating these rules and regulations, the provisions of an Industrial Wastewater Discharge Permit, and/or Federal or State laws governing water quality and Industrial Wastewater Pretreatment. A legal proceeding prosecuted under these rules and regulations does not constitute a waiver by the District of any right the District may have to join in a legal action originating from some alternative source of law. The general counsel of the District, or otherwise named legal counsel for the District, may commence the actions for appropriate legal and/or equitable relief in

courts having proper jurisdiction upon securing authorization from the Board of the District or other authorized officials to so proceed.

- B. Any user who is found guilty in a court of competent jurisdiction of violating these rules and regulations and/or an Industrial Wastewater Discharge Permit shall be assessed a fine or other legal or equitable sanctions as deemed appropriate by the court. Each day on which a violation shall occur or continue, and each violation, shall be deemed a separate and distinct actionable offense. In addition to these fines, penalties or sanctions, the District may seek recovery in a court of competent jurisdiction for any actual damages to Wastewater Facilities or equipment required to operate, maintain and monitor the Wastewater Facilities. The District may also seek reasonable attorney fees, court costs, and other expenses of litigation along with all other relief, both in law and/or equity, to which it might be entitled. Additional recoveries and relief in law and/or equity by the District under existing Federal and State law are not precluded by specific recoveries obtained by the District under this Section.

9.05 RULE 50 – STANDARD FORMS

- A. The District shall have the authority to develop standard forms for the administration of the provisions of the District’s rules and regulations. Such standard contracts and agreements as may be required to be signed or approved by the Board shall be approved as to standard form by the Board.

9.06 RULE 51 - ADMINISTRATION OF RULES AND REGULATIONS

- A. Except as specifically provided for otherwise, the District shall have the authority and responsibility for the implementation, administration and enforcement of the District's rules and regulations and policies.

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