



## Indiana Department of Environmental Management

*We Protect Hoosiers and Our Environment.*

100 N. Senate Avenue • Indianapolis, IN 46204  
(800) 451-6027 • (317) 232-8603 • [www.idem.IN.gov](http://www.idem.IN.gov)

**Eric J. Holcomb**  
*Governor*

**Bruno Pigott**  
*Commissioner*

May 11, 2021

Via Email to: [toa.murry.dixon@gmail.com](mailto:toa.murry.dixon@gmail.com)  
Mr. Murry Dixon, Town Council President  
Town of Atlanta  
105 East Main Street  
Atlanta, Indiana 46031

Dear Mr. Dixon:

Re: Status Reminder  
Sewer Ban Early Warning  
Atlanta WWTP  
NPDES Permit No. IN0022306  
Atlanta, Hamilton County

This letter serves as a reminder that, pursuant to 327 Indiana Administrative Code (IAC) 4-1-3, a Sewer Ban Early Warning notice was given to the Atlanta WWTP on 07/09/2015, 10/11/2016, 10/16/2017 and 4/22/2020. Rule 327 IAC 4-1-3 states that when a wastewater treatment plant has reached or is approaching 90% of its hydraulic or organic design capacity, the Commissioner (or the Commissioner's delegate) shall notify it that the imposition of a Sewer Connection Ban may be necessary.

The Office of Water Quality has evaluated discharge records submitted by the Atlanta WWTP and finds that the chronic hydraulic overload condition, that existed when the Sewer Ban Early Warning notice was issued, still exists. This determination is based on a review of the reported influent flow data for the annual period(s) of 2018, 2019 and 2020 for which the annual average rate(s) of influent flow was 204%, 190% and 186%, based on the treatment facility design flow of 0.08 mgd.

Additionally, a review of Bypass/Overflow records revealed one (lasting two days) event (s) reported during the period of 2018 - 2020, which represents wastewater flows that are not included in the above totals.

We view the early warning notification process as a service to local government officials. The early warning notification is intended to alert the owners and operators of wastewater treatment systems to potential problems, and initiate a process for evaluation of existing conditions, plan for future solutions, and arrange for funding in case capital improvements are required.

One impact of the early warning notification is that if additional connections to the

Atlanta WWTP collection and treatment system are requested that would require a construction permit, they will be subject to close scrutiny by this department. The approval of any future connections would have to be evaluated for the possibility of significant additional load to the wastewater treatment plant or contribution to bypassing or the discharge of insufficiently treated sewage.

Furthermore, the rule which governs the overload condition of wastewater treatment facilities also contains a provision for the imposition of a ban on future wastewater connections. A sewer connection ban may be imposed if the excessive hydraulic and/or organic loading to the wastewater treatment plant continues, or the addition of wastewater from new sources is likely to result in the bypassing or the discharge of insufficiently treated sewage. An excerpt from 327 IAC 4 is included for your reference.

Within 30 days of receipt of this letter, a written detailed response describing a plan for resolving this hydraulic loading issue must be submitted to this office. Failure to respond with an adequate plan may result in the escalation to a Sewer Connection Ban pursuant to 327 IAC 4-1-4. Please direct your written response to Kim Rohr at:

Indiana Department of Environmental Management  
Office of Water Quality  
100 N. Senate Avenue, IGCN 1255  
Indianapolis, IN 46204-2251

If you have any questions, please do not hesitate to contact Kim Rohr at 317-719-1666 or by email at [vrohr@idem.IN.gov](mailto:vrohr@idem.IN.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Groce', with a large, sweeping loop at the end.

Samantha Groce, Chief  
Wastewater Inspection Section  
Office of Water Quality

Enclosure

Cc: Missy Nunnery, Facility Construction



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The following is an excerpt from 327 IAC 4, which applies to this correspondence:

### **327 IAC 4-1-1 Purpose**

This article is promulgated in order to prevent the excessive hydraulic or organic, or both, overloading of POTWs or semipublic facilities resulting in the subsequent discharge or bypassing of insufficiently treated wastewater due to:

- (1) new sewer connections to; or
- (2) poor operation and maintenance of;  
the facilities.

### **327 IAC 4-1-3 Early warning system**

Whenever, in the determination of the commissioner, a semipublic facility or POTW has reached or is approaching ninety percent (90%) of its hydraulic or organic design capacity, the commissioner shall notify the semipublic facility or POTW that it may be necessary, because of such condition, to impose a sewer connection ban if action is not taken by the semipublic facility or POTW to accommodate additional flow or loading. The notification shall be:

- (1) by certified mail, return receipt requested; and
- (2) directed to the:
  - (A) principal executive officer;
  - (B) ranking elected official; or
  - (C) authorized agent;  
of the semipublic facility or POTW.

Failure of the commissioner to provide the notification to the semipublic facility or POTW shall not preclude the imposition of a sewer connection ban as authorized by this article.

### **327 IAC 4-1-4 Imposition of sewer connection bans**

(a) The commissioner may impose a ban on further sewer connections to the semipublic facility or POTW whenever, in the determination of the commissioner:

- (1) hydraulic or organic overloading of a semipublic facility or POTW exists or is impending and the introduction into the semipublic facility or POTW of additional wastewater from new or existing sources is likely to result in the discharge or bypassing of insufficiently treated wastewater; or
- (2) poor operation and maintenance practices have, or are likely to, result in the discharge or bypassing of insufficiently treated wastewater.

(b) The sewer connection ban shall prohibit the connection or introduction of additional wastewater into the semipublic facility or POTW, except as otherwise provided under this article.

### **327 IAC 4-1-5 Notification of imposition of sewer connection ban**

(a) Whenever the commissioner has determined to impose a ban on further sewer connections to a POTW, the commissioner shall notify the principal executive officer, the ranking elected official, or the authorized agent or representative of the POTW of such determination by certified mail, return receipt requested.

(b) Whenever the commissioner has determined to impose a ban on further sewer connections to a semipublic facility, the commissioner shall notify the owner, chief executive officer, or authorized agent or representative of the semipublic facility of such determination by certified mail, return receipt requested.

### **327 IAC 4-1-6 Grounds and procedures for obtaining waivers of sewer connection bans**

(a) Requests for connections from new or existing sources to a semipublic facility or POTW where a sewer connection ban is in effect may be approved if it is determined by the commissioner that any of the following conditions exist:

- (1) The:
  - (A) connection will eliminate an existing health hazard; and
  - (B) resulting public health benefit is considered to outweigh the adverse impact of any reduction in the effluent quality from the semipublic facility or POTW.
- (2) A semipublic facility or POTW expansion project:
  - (A) is under construction; and
  - (B) will be completed in such time as to accommodate the new connections.
- (3) An equivalent amount of infiltration or wastewater is removed from the system, thus assuring that the additional wastewater will receive treatment.
- (4) The commissioner is assured that additional water pollution treatment/control facilities, such as chemical feed equipment, will be provided such that the effluent from the semipublic facility or POTW will not deteriorate beyond its present quality.
- (5) Other assurances are provided that the additional wastewater to be discharged into the semipublic facility or POTW shall receive adequate treatment.

(b) Requests by POTWs for the waiver of a sewer connection ban for new or existing sources should be submitted by the principal executive officer or ranking elected official of the POTW to the commissioner. Requests by semipublic facilities for the waiver of a sewer connection ban for new or existing sources should be submitted by the owner, chief executive officer, or authorized agent or representative of the semipublic facility to the commissioner. The request for waiver of a sewer ban should contain, at a minimum, the projected:

- (1) flow and pollutant loadings from the proposed connection or connections; and
- (2) impact upon the semipublic facility or POTW.

### **327 IAC 4-1-7 Grounds for termination of sewer connection ban**

A sewer connection ban may be terminated by the commissioner when either of the following exist:

- (1) A demonstrated wastewater treatment facility improvement to meet applicable NPDES permit limitations has been completed.
- (2) It is demonstrated to the satisfaction of the commissioner that an existing hydraulic/organic overloaded condition has been or will be discontinued for a continuous period of twelve (12) months from the date additional connections will be made.

### **327 IAC 4-1-8 Exclusions from sewer connection bans**

The following shall be excluded from the requirements of sewer connection bans:

- (1) Single-family dwellings erected on vacant lots served by an existing sanitary sewer.
- (2) Projects that possess a valid construction permit issued under 327 IAC 3-2 prior to the imposition of a sewer connection ban.