

NOTICE OF PASSAGE OF ORDINANCE AND SUMMARY

Notice is hereby given that the City of Russellville, by and through its City Council, has passed Ordinance 91-14 "An Ordinance of the City of Russellville Concerning Use of the Municipal Sanitary Sewage Collection and Treatment System, Setting Forth Policy, Definitions, Rules and Regulations Regarding the Use of Said System, Controlling Private Wastewater Disposal, Governing the Building of Sewers and Connections, Pollutant Discharge Limits, Pretreatment Program Administration, Establishing the Right of the City to Charge Fees for Administering the City's Reasonably Necessary Functions Related to Sewer Use, and Delineating Powers and Authority of Inspectors and Setting Forth the Methods and Procedures of Enforcement of the Ordinance and Penalties for Violation of Same and Repealing Prior Ordinances." This passage occurred on November 19, 1991, after second reading by a unanimous roll call vote of the Council and signing by the Mayor after the first reading had been conducted on November 5, 1991.

This Ordinance provides for the regulation and enforcement of the municipal sanitary sewage collection and treatment system by providing for the following sections:

General Provisions, including purpose and policy, definitions and abbreviations; Use of Public Sewers, including mandatory sewer connection, unlawful discharge to storm sewers or natural outlets, compliance with local, state and federal laws, discharge of unpolluted waters into sewers, substances which interfere; Private Wastewater Disposal, including public sewer not available and requirements for installation; Building Sewers and Connections, including permits, prohibited connections, design and installation, inspection and maintenance; Pollutant Discharge Limits, including general conditions, restricted discharges, dilution of wastewater discharge, grease, oil and sand interceptors, special industrial pretreatment requirements, protection from accidental discharges, state requirements, city's right to revision and federal categorical pretreatment standards; Pretreatment Program

Administration, including wastewater discharge, industrial user discharge permit, permit modifications, permit conditions, permit duration, permit transfer, reporting requirements for permittee, monitoring, inspection and sampling, pretreatment and confidential information; Fees, including purpose and charges and fees; Powers and Authority of Inspectors, including right to enter premises, right to obtain information regarding discharges, access to easements and safety; Enforcement, including informal notice to industrial user and formal notice; Penalties, including written notice, continued violation, revocation of permit, liability, misrepresentation and/or falsifying documents and destruction of POTW and legal action; and Validity, including inconsistent or conflicting ordinances, separation clause, effective date of ordinance and repeal of old ordinance.

This is to certify that the foregoing is a summary of the contents in Ordinance 91-14 that was prepared by the undersigned who is an attorney licensed to practice in the Commonwealth of Kentucky.

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CITY OF RUSSELLVILLE
ORDINANCE NO. 91-14

AN ORDINANCE OF THE CITY OF RUSSELLVILLE CONCERNING USE OF THE MUNICIPAL SANITARY SEWAGE COLLECTION AND TREATMENT SYSTEM, SETTING FORTH POLICY, DEFINITIONS, RULES AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTEWATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTIONS, POLLUTANT DISCHARGE LIMITS, PRETREATMENT PROGRAM ADMINISTRATION, ESTABLISHING THE RIGHT OF THE CITY TO CHARGE FEES FOR ADMINISTERING THE CITY'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION OF SAME AND REPEALING PRIOR ORDINANCES.

WHEREAS, the City of Russellville has constructed wastewater treatment facilities and improved trunk lines to same; and

WHEREAS, the City of Russellville has determined the need for the adoption of a Sewer Use Ordinance to properly control the effluent to be discharged by the public into the City's sewer system, and the use of the system;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF RUSSELLVILLE THAT the following Ordinance shall be in effect from the date of publication hereof and until repeal and/or amendment thereof by the legislative body of the City.

- F. Permit Transfer
- G. Reporting Requirements for Permittee
- H. Monitoring
- I. Inspection and Sampling
- J. Pretreatment
- K. Confidential Information

ARTICLE VII - FEES

- A. Purpose
- B. Charges and Fees

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

- A. Right to Enter Premises
- B. Right to Obtain Information Regarding Discharges
- C. Access to Easements
- D. Safety

ARTICLE IX - ENFORCEMENT

- A. Informal Notice to Industrial User
- B. Formal Notice

ARTICLE X - PENALTIES

- A. Written Notice
- B. Continued Violation
- C. Revocation of Permit
- D. Liability
- E. Misrepresentation and/or Falsifying Documents
- F. Destruction of POTW and Legal Action

ARTICLE XI - VALIDITY

- A. Inconsistent or Conflicting Ordinances
- B. Separation Clause
- C. Effective Date of Ordinance
- D. Repeal of Old Ordinance

1. ACT or "the Act" - The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority - The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet and/or any authorized representative thereof.
3. Authorized Representative - An authorized representative of a user may be: (i) a principal executive officer of at least the level of vice-president, if the industrial user is a corporation, (ii) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (iii) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

An authorized representative of the City may be any person designated by the City to act on its behalf.

4. Available - As used in connection with this Ordinance means a public sewer located at the property line or point at which connection may be made with the City sanitary sewage collection facilities.
5. Biochemical Oxygen Demand (BOD) - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, five (5) days at 20 Centigrade expressed in terms of weight and concentration in milligrams per liter(mg/l).
6. Building Sewer - The extension from the building drain to the public sewer or other place of disposal, also called "house connection."
7. Building Sewer Permit - As set forth in "Building Sewers and Connections" (Article IV).
8. Categorical Standards - National Categorical Pretreatment Standards or Pretreatment Standard. Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347) and 40 CFR 403 which applies to a specific category of industrial users.
9. City - The City of *Rosellville* its City Council or the Superintendent of the POTW or his/her designee.

22. Garbage - The animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.
23. Grab Sample - A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.
24. Holding Tank Waste - Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
25. Incompatible Pollutant - All pollutants other than compatible pollutants as defined in this section.
26. Indirect Discharge - The discharge or the introduction of pollutants into a POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act and including holding tank wastes discharged into the system.
27. Industrial User - A source of indirect discharge.
28. Industrial Wastes - The wastewaters from industrial or commercial processes as distinct from domestic or sanitary wastes.
29. Interceptor - A device designed and installed so as to separate and retain deleterious, hazardous and undesirable matter from domestic wastes while permitting domestic sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as a grease, oil or sand trap.
30. Interference - The inhibition or disruption of the POTW treatment processes or operations or that which contributes to a violation of any requirement of the City's NPDES/KPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 USC 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substance Control Act, or more stringent state criteria (including those obtained in any state sludge management plan prepared pursuant to Title IV or SWDA) applicable to the method of disposal or use employed by the POTW.
31. Maximum Daily Concentration - The maximum concentration per day of a pollutant based on the analytical results obtained from a 24-hour composite sample.

41. POTW Treatment Plant - That portion of the POTW designed to provide treatment to wastewater.
42. Pretreatment or Treatment - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change(s), or other means, except as prohibited by 40 CFR 403.6(d).
43. Pretreatment Requirements - Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on a significant industrial user.
44. Prohibitive Discharge Standard - Any regulation developed under the authority of 307(b) of the Act and 40 CFR 403.5.
45. Properly Shredded Garbage - The wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
46. Publicly Owned Treatment Works (POTW) - A treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the jurisdiction of the City who are users to the City's POTW.
47. Public Sewers - A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.
48. Replacement - Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

- (B) Technical Review Criteria (TRC) - violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Superintendent determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a wastewater discharge permit or other order issued hereunder for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance;
- (H) Any other violation or group of violations which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

57. Slug Discharge - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge and/or any discharge of water or wastewater in which the concentration of any given constituent or the quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation and/or adversely affects the POTW.

- Add ★
- 68. User Charge - The charge levied on all users, including but not limited to, persons, firms, corporations, or governmental entities that discharge, cause, or permit the discharge of sewage into the POTW.
 - 69. Wastewater - The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water-carried wastes from residences, commercial buildings and institutions as distinct from industrial wastes.
 - 70. Wastewater Contribution Permit - As set forth in the Administration Section of this Ordinance.
 - 71. Wastewater Facilities - The structures, equipment and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
 - 72. Wastewater Treatment Works - An arrangement of devices and structures for treating domestic wastewaters and sludges. Sometimes used synonymously as "waste treatment plant" or "sewage treatment plant."
 - 73. Watercourse - A natural or artificial channel for the passage of water either continuously or intermittently.
 - 74. Waters of the Commonwealth - All streams, lakes, ponds, marshes, water courses, water ways, wells, springs, reservoirs, aquifers, irrigation system, drainage system and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.

C. Abbreviations

The following abbreviations shall have the designated meanings.

- ADMI - American Dye Manufacturers Institute
- BOD - Biochemical Oxygen Demand
- CFR - Code of Federal Regulations
- CWA - Clean Water Act of 1979
- EPA - Environmental Protection Agency
- KPDES- Kentucky Pollutant Discharge Elimination System
- l - liter
- mg - milligram
- mg/l - milligram per liter
- NPDES- National Pollutant Discharge Elimination System

of the City and its inhabitants, unless such facilities are connected to the City sewage collection, treatment and disposal system. The Superintendent may prescribe the type and manner of connection to said facilities, and may require that each connection be supervised and inspected by an authorized and qualified agent of the City sewer department.

3. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this Ordinance, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

B. Unlawful Discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City of Russellville or in any area under the jurisdiction of said City or into any sewer which connects to the storm sewer system of the City of Russellville, any objectionable wastewater or industrial wastes.
2. It shall be unlawful to discharge to any natural outlet within the City of Russellville or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance. No provision of this Ordinance shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable State and Federal regulations governing such discharge.

C. Compliance with Local, State and Federal Laws. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this Ordinance, and any more stringent State or Federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and subsequent amendments.

D. Discharge of Unpolluted Waters into Sewer

1. No person(s) shall discharge or cause to be discharged through any leak, defect or connection any unpolluted waters such as storm water, ground water, roof runoff, subsurface drainage or cooling

- b. Any waters or wastes having a pH lower than 6 or higher than 9.5 or having any other corrosive property(s) capable of causing damage or hazard to structures, equipment and personnel of the POTW.
- c. Any slug load or pollutants, including oxygen demanding pollutants, released at a flow or concentration that will cause interference with the POTW's operation.
- d. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities.
- e. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104 degrees Fahrenheit (40°C).
- f. Any pollutant(s) which, either alone or by interaction with other substances, produce toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- g. Any substances which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- h. Any substance which causes the POTW to violate its NPDES/KPDES permit, sludge disposal permit or the water quality standards of the receiving stream.
- i. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through at the POTW.
- k. Any trucked or hauled pollutants, except at discharge points designated by the Superintendent.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

A. Permits

1. There shall be two (2) classes and building sewer permits required; (a) for residential and (b) for service to commercial, industrial and other non-domestic establishments. In either case, the owner or his agent shall make application on a special form furnished by the City. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgement of the Superintendent or his agent. Details regarding commercial and industrial permits include but are not limited to those required by this Ordinance. Permit and inspection fees shall be paid to the City at the time the application is filed.
2. Users shall notify the Superintendent of the POTW of any proposed new introduction of wastewater constituents or any proposed change in the volume or character of the wastewater being discharged to the POTW a minimum of thirty (30) days prior to the change. The Superintendent may deny or condition this new introduction or change based upon the information submitted in the notification.

B. Prohibited Connections

No person shall make connections of roof downspouts, basement wall seepage or floor seepage, exterior foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any such connections which already exist on the effective date of this Ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this Ordinance. The owners of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to the public sanitary sewer.

5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state and/or federal regulations.
6. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
7. Any wastewater with objectionable color not removable in the POTW,
8. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving stream of the POTW.
9. Any water or waste which has characteristics based on a 24-hour composite sample, grab, or a shorter period composite sample if more representative, which exceed the following normal maximum domestic wastewater parameter concentrations:

Parameter	Daily Maximum Allowable Concentration Without Surcharge
BOD	<u>250</u> mg/l
TSS	<u>250</u> mg/l
NH-N	<u>40</u> mg/l
COD	<u>350</u> mg/l

Discharges greater than these concentrations may be subject to penalties contained in the Enforcement Response Plan for the City of Russellville in addition to surcharge.

10. The City has received authority through U.S. EPA and State statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR 403. All users shall comply with the requirements of those regulations as well as with all articles of this Ordinance.
11. Any waste or wastewater classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without, at least, a 60-day prior notification of such discharge to the Superintendent of the POTW. This notification must include the

City may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the Logan County Health Department.

E. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment standards promulgated by the U.S. EPA under 40 CFR Subchapter N and 40 CFR 403 for new and existing industrial discharges to public sewer systems are hereby made a part of this Ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this Ordinance.
2. Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his expense.
3. Any person who transports septic tank contents, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first obtain permission for such discharge from the Superintendent. All persons receiving such permission shall abide by all applicable provisions of this Ordinance and any other special provisions that may be established by the Superintendent as necessary for the proper operation and maintenance of the sewerage system. Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the City. It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at points of discharge designated by the Superintendent for such purposes. Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties and enforcement actions prescribed in Article X. Nothing in this Ordinance shall relieve waste haulers of the responsibility for compliance with County Health Department, State or Federal regulations.

H. City's Right of Revision

The city reserves ~~the~~ right to establish, by a majority vote of its city council more stringent limitations or requirements on discharges to the POTW at the recommendation of the Superintendent or if deemed necessary to comply with the objectives presented in this Ordinance.

I. Federal Categorical Pretreatment Standards

Upon the promulgation of federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Superintendent shall notify all affected users of the applicable reporting requirements under 40 CFR 403.12.

ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Discharges

It shall be unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of the City and/or to the POTW any wastewater except as authorized by the Superintendent in accordance with the provisions of this Ordinance. Any agency and/or industries outside the jurisdiction of the City that wish to contribute wastewaters to the POTW must first sign (through an authorized representative) an inter-jurisdictional agreement whereby the agency and/or industrial user agrees to be regulated by all provisions of this Ordinance, state and federal regulations. An Industrial User Discharge Permit may then be issued by the Superintendent in accordance with Section B of this Article.

B. Industrial User Discharge Permits

1. General

All significant industrial users proposing to connect to or contribute to the POTW shall obtain an Industrial User Discharge Permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for an Industrial User Discharge Permit within sixty (60) days of the effective date of this Ordinance.

3. Issuance of Industrial User Discharge Permit

The Superintendent shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Superintendent may issue an Industrial User Discharge Permit subject to the terms and conditions provided herein.

C. Permit Modifications

Within nine (9) months of the promulgation of a federal categorical pretreatment standard, the Industrial User Discharge Permit of any user subject to that standard shall be revised to require compliance with the standard within the time frame prescribed by such standard. Where a user subject to federal categorical pretreatment standards has not previously submitted an application for an Industrial User Discharge Permit as required, the user shall apply for the permit within ninety (90) days of the date of promulgation of the applicable federal categorical pretreatment standard. In addition, the user with an existing Industrial User Discharge Permit shall submit to the Superintendent within ninety (90) days of the date of promulgation of an applicable federal categorical pretreatment standard the information required by this Ordinance.

D. Permit Conditions

1. Industrial User Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the City. Permits may contain the following:
 - (a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the public sewer system;
 - (b) Limits on the average and maximum wastewater constituents and characteristics;
 - (c) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - (d) Requirements for installation and maintenance of inspection and sampling facilities;
 - (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling to be performed, types and standards of analysis and reporting schedules;
 - (f) Compliance schedule(s);

- (g) Requirements for maintaining and retaining all records relating to wastewater discharge as specified by the City for a minimum of three (3) years, and afford City access thereto;
- (h) Requirements for notification of the City of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (i) Requirements for notification of slug discharges;
- (j) Requirements for the user to reimburse the City for all expenses related to monitoring, sampling and testing performed at the direction of the Superintendent and deemed necessary by the City to verify that the user is in compliance with the said permit;
- (k) Any other conditions as deemed appropriate by the Superintendent and/or the City to ensure compliance with this Ordinance.

2. Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent. These alternative limits shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula given in 40 CFR 403.6(e). Where the effluent limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production (production-based standard), the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant that may be discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the Superintendent thirty (30) days in advance of any change in production levels that might effect the flow or other data used to calculate the effluent limits in the discharge permit.

2. Periodic Compliance Reports.

- (a) All significant industrial users shall submit to the Superintendent during the months of June and December, unless required more frequently by a pretreatment standard, or the Industrial User Discharge Permit, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or the Industrial User Discharge Permit. In addition, this report shall include a record of all daily flows which during the reporting period exceed the average daily flow. At the discretion of the Superintendent and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Superintendent may agree to alter the months during which the above reports are to be submitted.
 - (b) All analyses shall be performed by a laboratory acceptable to the City. Analytical procedures shall be in accordance with procedures established by the U.S. EPA pursuant to Section 304(g) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the U.S. EPA. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA.
 - (c) Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants", April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA.
 - (d) All industrial users shall retain all pretreatment records for a minimum of three (3) years, as required by 40 CFR 403.12(o)(2).
3. (a) A Baseline Monitoring Report. (BMR) must be submitted to the Superintendent by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:
- (i) production data including a process description, SIC code number, raw materials used, chemicals used, and final product(s) produced;

equipment by any significant industrial user that is not meeting discharge limits established in the user's Industrial User Discharge Permit. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Superintendent for review, and shall be acceptable to the Superintendent before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the City prior to the user's initiation of the change.

2. The City is required by federal regulations to keep the public informed of all cases of significant violations. To accomplish this, the City shall annually publish in a newspaper of local circulation a list of the users which were in significant noncompliance with any pretreatment requirements or standards. Significant noncompliance is any significant violation that meets one or more of the following conditions:

- a) Results in the exercise of emergency authority by the Superintendent;
- b) Remains uncorrected 45 days after notice of noncompliance is given;
- c) Involves failure to report noncompliance accurately;
- d) Wastewater Violations:
 - (i) Chronic Violations - Sixty-six(66%) percent or more of all measurements taken during a 6-month period exceed, by any magnitude, the daily maximum limit or the monthly average limit for the same pollutant parameter;
 - (ii) Technical Review Criteria (TRC) Violations - Thirty-three (33%) percent or more of all measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or



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 all governmental agencies for uses related to this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Program upon request of the agency. 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. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

ARTICLE VII - FEES

- A. This article provides for the recovery of costs from users of the POTW for the implementation and conduct of the pretreatment program established herein. All existing charges or fees which are set forth in the City's schedule of charges and fees, as shown in Ordinance 84-13 and its amendments (Ordinance 85-5 and Ordinance 90-4), are hereby re-approved. In addition the City shall have the right to amend these charges and fees in the future as it deems proper and advisable.
- B. The City may adopt charges and fees which may include the following:
1. fees for reimbursement of costs of setting up and operating the City's pretreatment program;
 2. fees for monitoring, inspections and surveillance procedures;
 3. fees for reviewing accidental discharge procedures and construction;
 4. fees for permit application;
 5. fees for filing appeals;
 6. fees for consistent removal by the POTW of excessive strength conventional pollutants;
 7. other fees as the City may deem necessary to carry out the requirements contained in this Ordinance;
 8. fees for the connection of a discharger (residential or other). These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the City.
- C. Charges shall be comprised of a system of excessive strength surcharges and a system of charges for debt services, operation and maintenance costs including normal replacement costs.

ARTICLE VIII, - POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Superintendent and other duly promulgated employees and representatives of the City and authorized representatives of applicable Federal and State regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties at any reasonable time for purposes of, but not limited to, inspection, observation, measurement, sampling and testing of discharges to the public sewer system and inspection and copying of all records in accordance with the provisions of this Ordinance.

B. Right to Obtain Information Regarding Discharge

Duly authorized employees and representatives of the City are authorized to obtain information concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

C. Access to Easement

Duly authorized employees and representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement and sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

D. Safety

While performing the necessary work on private properties referred to in Section A of this Article, all duly authorized employees of the City shall observe all safety rules applicable to the premises established by the facility and the company shall be held blameless for any injury or death to the City employee. The City shall secure the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this Ordinance.

B. Administrative Orders/Fines - Any person who, after receiving a Notice of Violation, shall continue to discharge in violation of this Ordinance or other pretreatment standard or requirement or is determined to be a chronic or persistent violator, shall be ordered to appear before the Superintendent. At said appearance, a compliance schedule will be given to the violating user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type, severity, duration and number of violations, severity of impact on the POTW, impact on human health, user's economic benefit from the violation, past history of the user, and good-faith efforts made by the user. The fine shall be a non-arbitrary but appropriate amount.

Users desiring to dispute such fines shall file with the Superintendent a request for the City to reconsider the fine within ten (10) days of being notified of the fine. The City shall convene a hearing on the matter within fifteen (15) days of receiving such a request from the user.

The administrative order may take any of the following four forms:

Consent Order - The Superintendent is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified in the order. Consent Orders shall have the same force and effect as all other administrative orders.

Compliance Order - When the Superintendent finds that an industrial user has violated or continues to violate this Ordinance or permit or order issued hereunder, he may issue an order to the industrial user responsible for the violation directing that following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably

- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon. At any hearing held pursuant to this Ordinance, testimony taken must be under oath and recorded stenographically.

The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof. After the City has reviewed the evidence, it may issue an order to the user responsible for the violation directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Further orders and directives as are necessary and appropriate may be issued.

ARTICLE X - PENALTIES

A. Written Notice

Any user found to be violating any provision of this Ordinance or a discharge permit or order issued hereunder shall be served by the Superintendent or his representative with written notice stating the nature of the violation. The violator shall permanently cease all violations upon receipt of this notice. As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this Ordinance. The penalties shall range from publication of violators to fines of at least \$1000 per day per violation.

B. Continued Violation

Any user who shall violate any provision of this Ordinance, a discharge permit or other order issued hereunder shall be guilty of a violation of this Ordinance and shall be liable to the Superintendent for a civil penalty of at least \$1000 per violation for each day on which the violation occurs. Each day in which such violation occurs shall be deemed a separate offense.

F. Construction of POTW and Legal Action

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct. It shall be noted that the Clean Water Act does not require proof of specific intent to obtain conviction.

G. Judicial Action

If any person(s) discharges sewage, industrial wastes or other wastes into the City's wastewater disposal system contrary to the provisions of this Ordinance, discharge permit, any order of the Superintendent or the City, or federal or state pretreatment requirements, the City may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction. In addition to the penalties provided herein, the City may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person(s) found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

H. Termination of Service

The Superintendent may suspend the wastewater treatment service and/or wastewater discharge permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health or welfare of the public, the POTW or the environment. Any user notified of a suspension of the wastewater treatment service and/or the discharge permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. Any industrial user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Superintendent.

ARTICLE XI - VALIDITY

A. Inconsistent or Conflicting Ordinance

All other Ordinances and parts of other Ordinances are inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

B. Separation Clause

The invalidity of any article, clause, sentence or provision of this Ordinance shall not effect the validity of any other part of this Ordinance which can be given effect without such invalid part of parts.

C. Effective Date of Ordinance

This Ordinance shall be in full force and effect when it is adopted, signed and published as required by law.

D. Repeal of Old Ordinances

Upon the effective date of this Ordinance, the City of Russellville Sewer Use Ordinance accepted by the City Council on the _____ day of _____, _____ is hereby repealed in its entirety.