

SEWER USE ORDINANCE NO. 95-3

CITY OF RUSSELLVILLE, KENTUCKY

MARCH 1995

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COMMONWEALTH OF KENTUCKY

CITY OF RUSSELLVILLE

ORDINANCE NO. 95-3

AN ORDINANCE OF THE CITY OF RUSSELLVILLE CONCERNING USE OF THE MUNICIPAL SANITARY SEWAGE COLLECTION AND WASTEWATER TREATMENT WORKS, SETTING FOR THE 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 ORDINANCE AND PENALTIES FOR VIOLATION OF SAME AND REPEALING PRIOR ORDINANCES.

WHEREAS, the City of Russellville has constructed Public Owned Treatment Works (POTW) and Sewer System; and

WHEREAS, the City of Russellville has determined the need for the adoption of a Sewer Use Ordinance to properly control the discharge of wastewater into the City's POTW, and the use of the POTW;

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.

ARTICLE I - GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect discharges of wastewater and industrial waste into the POTW for the City of Russellville and enables the City to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the Pretreatment Regulations (40 CFR, Part 403).

The objectives to this ordinance are:

1. to prevent the introduction of pollutants into the POTW which will cause interference with the operation of the POTW or contaminate the resulting sludge;
2. to prevent the introduction of pollutants into the POTW which will pass through the system inadequately treated into receiving waters so as to cause violations of the City's NPDES/KPDES permit or cause damage to the atmosphere;
3. to improve the opportunity to recycle and reclaim wastewater and sludge from the system;
4. to provide for equitable distribution of the cost of developing, maintaining and operating the POTW;
5. to provide for the safety of the POTW plant employees; and
6. to provide for the safety of the general public.

This ordinance provides for the regulation of direct and indirect discharges to the POTW through the issuance of wastewater discharge permits to users and through enforcement of general requirements for users, authorizes monitoring and enforcement activities, and requires user reporting.

This ordinance shall apply to users in the City of Russellville and to users outside the City who by contract or agreement with City, are users of the POTW. Except as otherwise provided herein, the Superintendent of the Russellville Wastewater Treatment Plant shall administer, implement, and enforce the provisions of this ordinance.

B. Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this ordinance, shall have the meanings hereinafter designated:

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 or his authorized representative.
3. Authorized Representative An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice-president, if the user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the discharge of wastewater originates and; (4) 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 POTW.
5. Baseline Monitoring Report (BMR) A CIU report submitted within 180 days after the effective date of a categorical pretreatment standard which indicates the compliance of the CIU with the applicable categorical pretreatment standard (40 CFR 403.12 (b)).
6. Best Professional Judgement (BPJ) The highest quality technical opinion available to the City, after consideration of all reasonably available and pertinent data or information.
7. Biochemical Oxygen Demand (BOD) The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20 degrees Celsius expressed in term of weight and concentration in milligrams per liter (mg/l).
8. Batched Wastewater Wastewater transported to the POTW in a tank or truck, or released to the POTW from a storage tank.
9. Blood Human blood, human blood components, and products made from human blood.

10. Building Drain That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
11. Building Sewer The extension from the building drain to the public sewer, private sewer or other places of disposal.
12. Building Sewer Permit As required by Kentucky State Plumbing Law, Regulations and Code.
13. Categorical Industrial User An user subject to Categorical Pretreatment Standards.
14. Categorical Pretreatment Standards National Categorical Pretreatment Standards or Pretreatment Standards are regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of IU's.
15. City The City of Russellville.
16. Clean Water Act (CWA) Also known as the Federal Water Pollution Control Act enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq; as amended by PL 95-217. December 28, 1977; PL 97-117, December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.
17. Combined Sewer Any conduit designed to carry both sewage and storm water or surface water.
18. Combined Wastestream Formula (CWF) Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastewater is combined with other non-regulated wastewater prior to discharge to the POTW. (40 CFR 403.7).
19. Compatible Pollutant Biochemical oxygen demand, total suspended solids and fecal coliform bacteria, any pollutants identified in the POTW's NPDES/KPDES permit, and those pollutants treatable by the POTW and this Ordinance.

20. Composite Wastewater Sample A combination of individual samples of wastewater taken at selected intervals, or based on quantity of flow of wastewater for some specified period, to minimize the effect of variability of the individual sample. Individual samples may have equal volume or may be proportioned to the flow at the time of the sampling.
21. Concentration The measured concentrated mass of a pollutant using Standard Method Procedures or the relative content of pollutant in the wastewater.
22. Concentration-based Limit A limit based on the relative strength of a pollutant in wastewater, usually expressed in mg/l.
23. Control Authority The term "control authority" shall refer to the City in accordance to the approved Pretreatment Program as required by provisions of 40 CFR 403.11.
24. Conventional Pollutants As defined by 40 CFR 401.16, these include BOD, TSS, fecal coliform bacteria, oil and grease, pH, and ammonia.
25. Cooling Water The water discharged from any use such as air conditioning, cooling or refrigeration, or to which only heat is added.
26. County Health Department Barren River District Health Department, Logan County Health Center.
27. Customer Any individual, partnership, corporation, association, or group who discharges sewage to the POTW under either an express or implied contract with the City for such service.
28. Development Document Detailed report of studies conducted by the EPA for the purpose of developing categorical pretreatment standards.
29. Dilute Wastestream Boiler blow down, sanitary wastewater, noncontact cooling water and certain process wastewater that have been excluded from regulation in the categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutants.
30. Direct Discharge The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

31. Director The chief administrative officer of a interstate water pollution control agency with an NPDES program and an approved pretreatment program pursuant to Section 402(b) of the Clean Water Act.
32. Discharge Permit A permit for a user to discharge a batched wastewater to the POTW at a specific location.
33. Discharger Any person that discharges or causes a discharge of wastewater, sewage, garbage, or pollutants to the POTW.
34. Domestic Wastewater The wastewater produced from normal human living processes, and the wastewater produced from non-commercial or non-industrial activities.
35. Dwelling Unit One or more rooms with provisions for living, sanitary and sleeping facilities arranged for the use of one family or an individual.
36. Easement An acquired legal right-of-way by the City for the specific use of private land.
37. Effluent The liquid overflow or outflow of any facility designed to treat, convey or retain wastewater.
38. Environmental Protection Agency, (EPA) The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other authorized official of the EPA.
39. Equipment All movable, non-fixed items necessary to the wastewater treatment process.
40. Flow Proportional Composite Sample Combination of individual samples proportional to the flow of the wastestream at the time of sampling.
41. Flow Weighted Averaging Formula (FWA) A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

42. Food Service Establishments Any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods to the consumer, including, but not limited to: restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; grills; tea rooms; sandwich shops; soda fountains; taverns; bars; cocktail lounges; nightclubs; roadside stands; industrial feeding establishments; private, public or nonprofit organizations or institutions routinely serving food; catering kitchens; commissaries; or similar places in which food is prepared for sale or service on the premises or elsewhere with or without charge. It shall not include food vending machines, establishments serving beverages only in single service or original containers.
43. Garbage The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
44. Grab Sample A sample which is taken from wastewater on a one-time basis with no regard to the volume of the flow and without consideration of time.
45. Holding Tank Waste Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
46. Incompatible Pollutant All pollutants other than Compatible Pollutants
47. Indirect Discharge The discharge of pollutants into the POTW from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317).
48. Industrial User (IU) A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Clean Water Act.
49. Industrial Wastes The wastewater from industrial or commercial processes as distinct from Domestic Wastewater or Sewage.
50. Interceptor A device designed and installed to separate and retain deleterious, hazardous or undesirable matter from wastewater and permits the wastewater to discharge into the building sewer or POTW. Interceptor as defined herein is commonly referred to as a grease, oil, or sand trap.

51. Interference A discharge alone or in conjunction with another discharge that
- (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, its use or disposal; and
 - (2) causes a violation of any requirement of the POTW's NPDES/KPDES permit or of the sludge disposal permit in accordance to the provisions, regulations or permits issued according to Section 405 of the CWA, SWDA, RCRA, and any State Regulations contained in the State Sludge Management Plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3) or any other State or local regulation.
52. Kentucky Division of Water (KDOW) listed in KAR Title 401, Chapter 5.
53. Maximum Daily Limit The maximum allowable value for any pollutant measured from a 24-hour composite wastewater sample.
54. May Permissive action (see "shall").
55. Monthly Average The maximum allowable value for the average of all observations obtained during one month.
56. Multi-dwelling Projects Includes trailer parks, housing projects/apartment complexes with more than four (4) individual dwelling units or spaces, and hotel/motel complexes.
57. Multiple-occupancy Projects Complexes where business and dwelling units are contained within the same structure.
58. National Categorical Pretreatment Standard or Pretreatment Standard Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) or the CWA which applies to a specific category of IU's. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
59. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit A permit issued pursuant to Section 402 of the Act (33 U.S.C. 13327), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

60. Natural Outlet Any outlet, including storm sewers, discharging into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.
61. New Source Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication or proposed after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such discharge if such Standards are thereafter promulgated in accordance with that section, provided that:
- (A) The building, structure, facility or installation is constructed at a site at which no other discharge is located; or
- (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (C) The production of wastewater from a new source is substantially independent of an existing source at the same site.
62. Ninety (90) Day Compliance Report A report submitted by a CIU, within 90 days following the date for final compliance with categorical pretreatment standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).
63. Noncatergorical Industrial User All others than the CIU.
64. Nonconventional Pollutants All pollutants which are not included in the list of conventional or toxic pollutants in 40 CFR Part 401.
65. Ordinance This ordinance, unless otherwise specified.
66. Pass Through A discharge of pollutant which cannot be treated adequately by the POTW, exceeds the maximum daily limits and is a direct discharged causing a violation of the POTW's NPDES/KPDES permit (40 CFR 403.3).
67. Periodic Compliance Report A report on compliance status submitted by a user to the Control Authority (40 CFR 403.12(e)).

68. Person Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity of any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
69. pH The logarithm of the reciprocal of the hydrogen ion concentration, in grams per liter of solution.
70. Pollutant All Compatible Pollutants, Incompatible Pollutants, any dredged or excavated spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical, equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into the wastewater or industrial waste.
71. Pollution The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
72. Pretreatment Standards Federal Regulations for pretreatment of industrial wastewater under 40 CFR, Subchapter N, any applicable regulations and any amendments.
73. 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 reduce the quantities of pollutants discharged 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).
74. Process Wastewater During manufacturing or processing, any water which, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.
75. Production-Based Standard A discharge limitation expressed in terms or allowable pollutant mass discharge rate per unit of production and is applied directly to an IU manufacturing process.
76. Prohibitive Discharge Standard Any regulation developed under the authority of the Act and 40 CFR, Section 403.(5).

77. Properly Shredded Garbage The wastes from the preparation, cooking, and dispensing of food that has been shredded so that all particles will be carried by the wastewater in the POTW and no particle shall be greater than ½ inch in any direction.
78. Publicly Owned Treatment Works (POTW) A treatment works as defined by Section 212 of the ACT, (33 U.S.C. 1292) and is owned and operated by the City. This definition includes any sanitary sewers that convey wastewater or industrial waste to the wastewater treatment works and the wastewater treatment works. For the purpose of this ordinance, "POTW" shall also include any sanitary sewers that convey wastewater or industrial waste to the POTW from users outside the City.
79. Public Sewer The portion of the POTW including the sanitary sewer owned and operated by the City. The public sewer shall include the sewer in the street and the service branch to the users property line, or a city owned sewer on private property and the service branch to the boundary of an easement.
80. Resource Conservation and Recovery Act (RCRA) A federal statute regulating the management of hazardous waste from its generation through ultimate disposal. The Act contains requirements for waste generators, transporters, and owners and operators of treatment, storage and disposal facilities (42 USC 6901 et. seq.).
81. Regulated Wastestream An industrial process wastestream regulated by a National Categorical Pretreatment Standard.
82. Sanitary Sewer A pipe or conduit that carries liquid and wastewater from residences, commercial buildings, industrial plants and institutions to the POTW.
83. Sewage Domestic or sanitary waste is the from residences, commercial buildings, and institutions as distinct from industrial wastes. "Sewage" and "wastewater" are used interchangeably.
84. Sewerage Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
85. Sewer User Charges Charges to users of a POTW for the cost of operation, maintenance, replacement, and improvement of the POTW.

86. Sewer System or Works All facilities for collecting, transporting, pumping treatment and disposing of sewage and sludge, namely the sewerage system and the POTW.
87. Sewer See Sanitary Sewer.
88. Shall Mandatory action (see "may").
89. Significant Industrial User (SIU) (A) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and (B) any Noncategorical Industrial User that (i) discharges 25,000 gallons per day or more of process wastewater, or (ii) discharges a process wastestream which makes up to five percent or more of the average dry weather hydraulic or capacity of the POTW, or (iii) may have a wastewater, pollutant, indirect discharge, or industrial wastes discharge to the POTW that exceeds the Categorical Pretreatment Standards limits for Compatible Pollutants.
90. Significant Non Compliance A violation that meets one or more of the following criteria:
- (A) A chronic violation when sixty-six (66) percent or more of all the measurements taken during a six-month period exceed the maximum daily limit for Compatible Pollutants.
 - (B) A Technical Review Cetraria Violations when thirty three percent or more of all measurements for each pollutant during any six month period exceed the product of the maximum daily limit or the average monthly limit multiplied by the applicable TRC factor which is 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH,
 - (C) When a Maximum Daily Limit has been exceeded, and the discharge causes interference or pass-through by the POTW.
 - (D) When any discharge of a pollutant has caused imminent endangerment to human health, welfare or to the environment and has resulted in the POTW's exercise of it's emergency authority,
 - (E) When a user fails to meet a WDP scheduled milestone or fails to comply with an administrative order for starting or completing construction of wastewater treatment works, for attaining compliance;

(F) When a user fails to provide BMR's or other required reports such as 90-day Compliance Reports, periodic self-monitoring reports, and compliance schedules,

(G) When a noncompliance is not reported, and

(H) When the City determines that any other violation or group of violations will adversely affect the operation or implementation of the pretreatment program, or operation of the POTW.

91. Slug Discharge Any accidental or batched wastewater discharged to the POTW where the maximum daily limits or Categorical Pretreatment Standards Limits have been exceeded for a period of time longer than fifteen (15) minutes or the maximum daily limits have been exceeded more than five (5) times or the WDP maximum rate of flow has been exceed.
92. Slug Load Any pollutant purposely or accidently released in a discharge at a flow rate or concentration which will cause interference with the operation of the POTW or which exceeds limits set forth in the Wastewater Discharge Permit.
93. Spill Prevention and Control Plan A plan prepared by a user to minimize the frequency of an accidental spill, to control the extent of the damage and expedite cleanup activities.
94. Split Sample Portion of a collected sample given to the user and the City, State, or EPA to another agency to verify or compare laboratory results.
95. Standard Industrial Classification (SIC) A classification based on the type of industry or process at a facility.
96. Standard Methods The examination and analytical procedures set forth in the recent edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation and as set forth in 40 CFR 136.
97. State Commonwealth of Kentucky.
98. Storm Drain/ "Storm Sewer" A drain or sewer for conveying water, groundwater, surface water, or unpolluted water.
99. Storm Water Any flow occurring during or following any form of natural precipitation.

- 100. Superintendent Designated by the City to supervise the POTW and to administer, implement, and enforce the provisions of this Ordinance.

- 101. Surcharge A charge which is in addition to the Sewer User Charges for those users discharging wastewater which contain Compatible Pollutants which exceed the maximum daily limits or the monthly average specified in this ordinance or the users WDP. Payment of a surcharge will allow the discharge of the pollutants so long as the discharge does not cause pass through or interference of the POTW.

- 102. Suspended Solids (TSS) Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids and that is removable and measured as prescribed the in "Standard Methods."

- 103. Time Proportional Composite Sample Combination of individual samples with fixed volumes taken at specific time intervals.

- 104. Total Toxic Organics (TTO) The sum of the masses or concentrations of specific toxic organic compounds found in wastewater at quantifiable concentrations and regulated by the Categorical pretreatment standards.

- 105. Toxic Organic Management Plan Written plan submitted by users specifying the toxic organic compounds, the method of disposal and procedures for the prevention of spills or leaks into the wastewater being discharged to the POTW. The Toxic Organic Management Plan may be an alternative to TTO monitoring.

- 106. Toxic Pollutant Any pollutant or combination of pollutants listed as toxic in EPA regulations under the provisions of the Clean water Act 307(a) or its amendments.

- 107. Unpolluted Water Water of quality equal to or better than the POTW's direct discharge according to provisions of the City's NPDES/KPDES permit, or wastewater that has Compatible Pollutants that does not exceed the maximum daily limits.

- 108. Unregulated Wastestream A wastestream that is not regulated by a National Categorical Pretreatment Standard.

- 109. User Any person SIU, IU, Corporation, Property Owner, or Partnerships who contributes, causes or permits the discharge of wastewater or industrial waste into the POTW.

- 110. Viscous The property of a fluid or semifluid.

111. Waste (1) Something that is superfluous or rejected; something that can no longer be used for its original purpose. (2) Any solid, liquid, or gaseous emission that results from human activity.
112. Wastewater The spent water of a community or wastewater from residences, commercial buildings and institutions as distinct from industrial waste. Wastewater shall include materials removed from septic tanks, seepage pits, and cesspools. Wastewater and Sewage are used interchangeable.
113. Wastewater Discharge Permit (WDP) A permit issued to a user authorizing discharges to the POTW as set forth in this Ordinance.
114. Wastewater Facilities The portion of the POTW consisting of the structures, equipment, and processes required to collect, and treat wastewater and industrial wastes.
115. Wastewater Treatment Works The portion of the POTW or a private wastewater treatment works consisting of devices and structures for treating wastewater, and industrial wastes, making sludge and effluent, and disposal of the sludge and effluent according to applicable permits.
116. Watercourse A natural or artificial channel for the passage of water either continuously or intermittently.
117. Waters of the State All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, 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 State or any portion thereof.

C. Abbreviations

The following abbreviations shall have the designated meanings:

ADMI	-	American Dye Manufacturers Institute
ASTM	-	American Society for Testing and Materials
BMP	-	Best Management Practices
BMR	-	Baseline Monitoring Report
BOD	-	Biochemical Oxygen Demand
BPJ	-	Best Professional Judgement
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User

COD	-	Chemical Oxygen Demand
CWA	-	Clean Water Act (33 U.S.C. 1251 <u>et. seq.</u>)
CWF	-	Combined Wastestream Formula
EPA	-	Environmental Protection Agency
FWA	-	Flow Weighted Average
FR	-	<u>Federal Register</u>
gpd	-	gallons per day
IU	-	Industrial User
l	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
KPDES	-	Kentucky Pollutant Discharge Elimination System
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource conservation and Recovery Act
SIC	-	Standard Industrial Classification
SIU	-	Significant Industrial User
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et. seq.</u>
TSS	-	Total Suspended Solids
TTO	-	Total Toxic Organics
USC	-	United States Code
WDP	-	Wastewater Discharge Permit
KDOW	-	Kentucky Division of Water

ARTICLE II - USE OF PUBLIC SEWERS

A. MANDATORY SEWER CONNECTION

1. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, located within the City and abutting on any street, alley, or right-of-way in which there is now located or in the future may be located a public sewer shall install building drains at no cost to the City, and shall connect such the building drains through a building sewer to the public sewer in accordance with the provisions of this ordinance. When public sewer is available the user shall complete the connection to the POTW within sixty (60) days after the date of the City's official notice that the public sewer is available.

2. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other sanitary facility intended or used for the disposal of wastewater or industrial waste where public sewer is available, except as provided for in Article III-Private Wastewater Disposal.

3. When a public sewer becomes available to a property served by an existing private wastewater disposal system, the user shall complete a connection to the POTW within sixty (60) days after the date of the City's official notice that the public sewer is available, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge, removed, or filled with suitable material.

B. Unlawful discharge to Storm Sewers or Natural Outlets

1. It shall be unlawful for any user to place, deposit, or permit to be deposited any wastewater, industrial waste or pollutant on public or private property in the City, except as provided by this ordinance.
2. It shall be unlawful to discharge any wastewater industrial wastes and pollutants to any natural water outlet or storm drain in the City.

C. Compliance with Local, State, and Federal Laws

1. The discharge of any wastewater or industrial waste into the POTW by any user is unlawful except in compliance with the provisions of this ordinance, all State or Federal Standards pursuant to the Act, and its amendments, and 40 CFR 403.

D. Prohibited Discharges

A user shall not discharge, any pollutant, wastewater or industrial waste which causes interference to the POTW or which exceeds the maximum daily limits. These prohibitions apply to all users of a POTW whether or not the user is subject to Federal Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or requirements. A user shall not discharge the following materials, wastewater industrial waste, or pollutants to the POTW:

1. No user shall intentionally or unintentionally discharge any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to the POTW. The City shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any pipes carrying unpolluted water to the POTW. No sanitary drain sump or sump pump discharge shall discharge unpolluted waters to the POTW. The costs of removing the discharge of unpolluted waters from the POTW shall be completed at no cost to the City.

2. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to cause interference to the POTW. At no time shall the wastewater exhibit a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21.
3. Any wastewater, industrial waste or wastes having a pH lower than 6.0 or higher than 9.5 or having any other corrosive property.
4. Any slug load released that will cause interference with the POTW.
5. Any pollutants in quantities or of a size causing obstruction to the flow in sanitary sewers, or causes interferences to the POTW.
6. Any wastewater or industrial waste having a temperature exceeding 104 degrees Fahrenheit or 40 degrees Celsius or causing interference to the POTW.
7. Any pollutant(s) which results in toxic gases, vapors or fumes within the POTW.
8. Any wastewater, industrial waste, or waste which causes the POTW to be in noncompliance with sludge use or disposal criteria, pursuant to Section 405 of the Act; the Solid Waste Disposal Act, the Toxic Substances Control Act, or State and local regulations applicable to sludge management.
9. Any wastewater, industrial waste, or waste which will cause the POTW to violate its NPDES/KPDES permit and/or sludge disposal permit.
10. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil.
11. Any transported pollutants except as permitted by a Discharge Permit.

ARTICLE III - PRIVATE WASTEWATER TREATMENT WORKS

A. PUBLIC SEWER NOT AVAILABLE

1. Where a public sanitary sewer is not available the building sewer shall be connected, to a private wastewater treatment works complying with the County Health Department, local, and state regulations, and Kentucky State Plumbing Law, Regulations and Code;

2. The owner shall operate and maintain the building sewer and the private wastewater treatment works in compliance with County Health Department and other applicable regulations at no cost to the City.
3. Industries with NPDES/KPDES permits shall discharge at permitted discharge points.
4. Private wastewater treatment works shall not make direct discharges.

B. Requirements for Installation

1. The type, capacity, location and layout of a private wastewater treatment works shall comply with all local and state regulations. The owner shall obtain a permit issued by the County Health Department. The application shall include any plans, specifications and other information required by the County Health Department.
2. A private wastewater treatment works shall be constructed and inspected in accordance to the permit issued by the County Health Department.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

A. PERMITS

1. Permits and inspections to construct, install, or alter building sewers or building drains shall be issued in accordance to the Kentucky State Plumbing Law, Regulations and Code.
2. Users shall notify the City in advance of any discharge of wastewater or industrial waste which exceeds this Ordinances' maximum daily limits for Compatible Pollutants or any substantial change in the volume of wastewater or industrial waste being discharged into the POTW. The City may deny or condition the discharge of wastewater or industrial waste to POTW based on Best Professional Judgement.
3. No user shall uncover, plug, make any connection, use, alter, or disturb any any portion of the POTW without first obtaining permission from the City.

B. Design and Installations

1. All design and installation shall be in accordance to the Kentucky State Plumbing Law, Regulations and Code, or as modified and certified by a Kentucky registered engineer. For a new sanitary sewer extension, the user shall obtain prior written approval from Kentucky Division of Water, Facilities Branch before the start of any on site construction. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private wastewater treatment works are available. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer.
2. Existing building sewers may be used for new buildings only when they meet all requirements of this ordinance.
3. The installation and connection to the building sewer shall be at no cost to the City. The users shall identify the City for any loss of damage that may directly or indirectly be caused by the installation of the building sewer.
4. The user shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades, signs, and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City within thirty (30) days of the property damage.
5. All building sewer lines shall be of a quality and so installed as to meet or exceed the most current revision of the Kentucky State Plumbing Laws, Codes, and Regulations. No connection or roof downspout's, basement wall seepage or floor seepage, exterior foundation drains, areaway drains, or other surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. The building sewer line shall be inspected, tested and approved by the State Plumbing Inspector. The building sewer line shall be connected into the public sewer at the easement or property line by the City.

ARTICLE V - POLLUTANT DISCHARGE LIMITS

A. General Conditions

Pollutants, wastes wastewater or industrial wastes shall be limited in concentration or quantities if they are to be discharged to the POTW. Using best professional judgement the City may set additional or more stringent limitations than those established by this ordinance.

B. Restricted Discharges

Discharge of waste, wastewater, industrial waste, or pollutants to the POTW shall be restricted as follows:

1. Wastewater or industrial waste containing more than fifty milligrams per liter (50 mg/l) of petroleum oil, nonbiodegradable cutting oils, of products or mineral oil origin.
2. Wastewater or industrial waste containing floatable oils, fat, or grease, whether emulsified or not, in excess of one hundred milligrams per liter (100 mg/l) or becomes solid or has a high viscosity.
3. Any garbage that is not properly shredded garbage.
4. Any wastewater or industrial waste containing toxic pollutants, either singly or by interaction with other pollutants which exceed the maximum daily limits established by this Ordinance, causes the City to violate the terms of its NPDES/KPDES permit or sludge disposal permit, exceed the Categorical Pretreatment Standards, or causes interference to the POTW.
5. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by Local, State or Federal Regulations.
6. Any wastewater or industrial waste discharged to the POTW which by interaction with other wastewater or industrial waste exceeds the maximum daily limits established by this ordinance.
7. Any wastewater with a color that exceeds 145 ADMI units and cannot be removed to an acceptable level by wastewater treatment works.
8. Wastewater containing pollutants which are not treatable by the POTW and causes the City to violate the NPDES/KPDES permit.

9. Any wastewater which by interaction with other wastes in the POTW causes interference to the POTW.
10. Any wastewater or industrial waste classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA). Users may request a WDP, and after evaluation of the information, the City shall approve or deny the discharge of the wastewater or industrial waste to the POTW.
11. Any wastewater or industrial waste which exceed the following concentrations:

<u>Compatible Pollutant</u>	<u>Maximum Daily Limits (mg/l)</u>
BOD	250
TSS	250

The City shall levy a surcharge fee to a user for each pound loading that exceeds the maximum daily limits for the above compatible pollutants. Any specific wastewater treatment shall be subject to surcharge in accordance to the WDP. Exceedance of the maximum daily limits shall not constitute a violation of a permit condition of this ordinance if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW or causes a violation of the NPDES/KPDES limits.

12. Any wastewater or industrial waste to be discharged into the POTW. must comply with these following Maximum Daily limits.

<u>Pollutant</u>	<u>Maximum Daily Limits</u> (mg/l)
Arsenic, total	0.900
Cadmium, total	0.040
Chromium, total	0.855
COD	350
Copper, total	0.675
Cyanide, total	0.12
Lead, total	0.150
Mercury, total	0.0005
NH3-N	40
Nickel, total	0.240
Oil & Grease, total	100
PCB's, total	0.0002
Phenols, total	0.900
Silver, total	0.410
Toxic Organics, total	2.130
Zinc, total	0.825

13. All wastewater or industrial waste discharged to the POTW shall meet the requirements of the EPA and State Statutes of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR Part 35.

C. Dilution of Wastewater Discharge

No user shall increase the use of process water or, dilute a discharge of wastewater or industrial waste to meet the Federal Categorical Pretreatment Standards, or in Maximum Daily limits of this Ordinance.

D. Grease, Oil, and Sand Interceptors

1. New Construction

Grease, Oil and sand interceptors shall be installed by the user for the separation and retention of liquefied wastes containing floatable grease in excess of 100 mg/L, or any other pollutant; except grease interceptors shall not be required for dwelling units. All interceptors shall be of a type and capacity as specified by the latest revision for the Kentucky State Plumbing Law, Regulations and Code, or as specified by a registered engineer. Each interceptor shall be readily and easily accessible for cleaning and inspection. The user shall be responsible for the proper removal and disposal of the retained material and shall maintain records of the method and dates of disposal. Disposal must be performed by a licensed waste disposal firm Installation and operation of the interceptors shall be at no cost to the City.

2. Existing Facilities

Grease, oil, and/or sand interceptors shall be installed by the user within 90 days from the effective date of this ordinance for all existing industries, food service establishments, multi-family dwelling projects, where a common building sewer is used for two or more dwelling units, and for any other building sewers when discharges of wastewater or industrial waste exceed the maximum daily limits. Interceptors shall meet the requirements for new construction and shall be installed and operated at no cost to the City.

3. County Health Department

Information collected by the County Health Department in accordance to KRS318.170 shall be shared with the City and shall be used to enforce this ordinance.

E. Special Industrial Pretreatment Requirements

1. Users wastewater or industrial waste discharge shall meet the requirements of the Act, its amendments, EPA's Pretreatment Standards, its amendments, this ordinance, and shall not cause a pass through or interference of the POTW.
2. The user shall be solely responsible for the continued maintenance and operation of pretreatment facilities at no cost to the City.
3. Any user, transporting wastewater and industrial waste for discharge to the POTW shall have a Wastewater Discharge Permit issued by the City.

F. Slug Discharges

1. Each user shall not make slug discharges to the POTW that exceeds the maximum daily limits for compatible pollutants or the Categorical Pretreatment Standards. The user shall construct, maintain and operate Pretreatment facilities at no cost to the City. The City will determine that a slug discharge control plan or revision is necessary at the time of permit issuance and subsequent reissuance, the plan shall contain the following:
 - a. Schedule of discharge practices
 - b. Chemical description of the pollutants in the Slug Discharges or stored chemicals.
 - c. Procedures for notifying the POTW
 - d. Procedures for prevention of slug discharges

The user shall immediately notify the City of a slug discharge. The notification shall include location of discharge, chemical composition, concentration, and volume, of the pollutant, wastewater or industrial waste. Also, the user shall give notification to the City of action taken or required to minimize damage and protect the public health.

2. Written Notice Within five (5) days following a slug discharge, the user shall submit a written report to the City describing the cause of the slug discharge and the plan to prevent future slug discharges.
3. Enforcement and Expenses The user shall prepare a plan for elimination of the slug discharges and the plan shall be executed at no expense to the City. The user shall be liable for penalties under the City's Enforcement Plan. The user shall hold the City harmless from all civil actions as a result of the slug discharge.

4. Notice to Users Employees A notice shall be permanently posted by the user in a prominent place advising employees who to notify in the event of a slug discharge. Users shall insure that all the appropriate employees are advised of the emergency notification procedure.

G. EPA, Federal, State, and Local Requirements

For all discharges of wastewater or industrial waste to the POTW, the most stringent EPA, Federal, State or local maximum daily limit apply.

H. City's Right of Revision

To comply with the objectives of this ordinance, the City reserves the right to modify the maximum daily limits, or requirements for wastewater or industrial waste discharged to the POTW provided the modification has been approved by KDOW and formally adopted by the City Council.

I. Federal Categorical Pretreatment Standards

All future Federal categorical pretreatment standards which are more stringent than the local limits and become law or regulations after the effective date of this ordinance shall supersede the maximum daily limits or other requirements of this Ordinance.

ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater and Industrial Waste Discharges

All wastewater or industrial waste discharged to the POTW shall be in accordance with the provisions of this ordinance.

By contract with City, wastewater or industrial waste may be discharged to the POTW by users not located in the City limits or in City's, public sewer service area.

B. Wastewater Discharge Permits

1. General

A Wastewater Discharge Permit shall be issued by the City prior to the discharge of any wastewater or industrial waste to the POTW by an user. The City will issue WDP's to SIU, IU or any other user based on the pretreatment requirements. Also, using available information, the City using its best professional judgement may decide not to issue a WDP.

2. Permit Application

Users shall apply to the City, for an WDP. New users shall apply at least ninety (90) days prior to discharging wastewater or industrial waste to the POTW. Existing permit holders shall apply no later than sixty (60) days prior to expiration of their permit. The users shall submit to the City the following information:

- a. Name, address, of user;
- b. Address of user's facilities to be permitted;
- c. SIC number(s) according to the Standard Industrial Classification manual, United States Bureau of the Budget, 1972, as amended;
- d. List of proposed pollutants to be included in the wastewater or industrial waste and a certified laboratory analysis of a sample of the actual wastewater or industrial waste; sampling and analysis shall be performed in accordance with procedures established by EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- e. Time and duration of discharged of wastewater or industrial waste to the POTW;
- f. The monthly, daily, and thirty minute peak rate of flow for each calendar month the user's wastewater or industrial waste discharged to the POTW;
- g. Site plans, floor plans, mechanical and plumbing plans showing facility all sewers, sewer connections, building sewers, and appurtenant equipment by the size, location and elevation;
- h. Description of the manufacturing activities, and plant processes including all pollutants, wastewater or industrial waste which may be discharged to the POTW;
- i. The user's proposal for pretreatment of the wastewater or industrial waste to meet the maximum daily limits or the pretreatment standards.
- j. If pretreatment will be required by the user to meet the Pretreatment Standards, a schedule for the installation and operation of the pretreatment facilities shall be submitted to the City; The following conditions shall apply:
 1. The schedule must be acceptable to the City.

2. The schedule shall contain milestones for the commencement and completion of major events leading to the construction and operation of the pretreatment facilities required to meet the Pretreatment Standards.

3. The user shall submit a monthly progress report to the City.

k. The daily and monthly quantity and rate of production for each product;

l. The daily and monthly quantity of each raw material used in each product;

m. Number of employees, hours of plant operation and proposed pertinent hours of pretreatment operation.

n. Any other pertinent information;

o. A copy of all pertinent environmental control programs, comparable documents, or policy.

p. A statement signed by an authorized representative stating that the use shall comply with this Ordinance.

3. Issuance of Wastewater Discharge Permit

After evaluation of the data, the City may issue a Wastewater Discharge Permit .

C. New or Revised Permit: Revised Pretreatment Standards

User shall apply for a new or revised WDP within ninety (90)days after the approval of revised National Categorical Pretreatment Standards. All WDP holders shall be required to meet the requirements of approved revised National Categorical Pretreatment Standards.

D. Permit Conditions

Wastewater Discharge Permits holders shall be subject to all provisions of this ordinance, all other applicable Federal, State, or local regulations, and fees established by the City. WDP conditions may include the following:

1. The rates and schedule of charges for the volume of wastewater being discharged to the POTW,

2. Maximum daily limits or monthly averages limits for pollutants in the wastewater or industrial waste,

3. Maximum rate of flow, any restriction on the time of discharges, or requirements for batched wastewater,
4. Requirement and specifications for installation and maintenance of inspection and sampling facilities,
5. Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule,
6. Compliance schedules,
7. Requirements for submission of technical reports or discharge reports,
8. Maintenance and retention of all plant records relating to pretreatment and/or wastewater discharge for a period of three years, as specified by this Ordinance, and as required by 40 CFR 403.12(0) (2),
9. Requirements for notification to the City of any new pollutants in the wastewater or any substantial change in the volume of the wastewater being discharged into the POTW,
10. Requirements for notification of slug discharges,
11. Requirements for the user to reimburse the City for all expenses related to monitoring, sampling and testing performed at the direction of the City to verify user's compliance with the WDP, and
12. Other appropriate conditions to ensure compliance with this ordinance.

E. Alternative Limits for Pollutants

City may determine alternative limits for pollutants in the categorical industrial user's wastewater or industrial waste for a mixture of the user's wastewater or industrial waste from other sources. These alternative limits shall be applied to the combined discharge of wastewater or industrial waste to the POTW and shall be calculated using the Combined Wastestream formula or Flow-weighted Average formula.

Where the discharge pollutant limits in a Categorical Pretreatment Standard are expressed only in terms of mass of pollutants per unit of production, the City may convert the limits to equivalent limitations expressed either as mass of pollutant as discharged per day or effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all alternative limits calculated in this manner under 40 CFR 403.6(c).

All user's shall report production rates annually so that alterative limits can be calculated.

F. Permit Duration

The City shall issued WDP's for a period of five (5) years or less.

G. Permit Transfer

WDP's are issued to a specific user for a specific operation. A WDP shall not be reassigned or transferred or sold to a new user, different location, or a new or modified operation.

H. Compliance Data Reporting

A report of the concentration of all pollutants in the user's wastewater or industrial waste shall be submitted to the City within ninety (90) days following the date which the user is required to meet the applicable categorical Pretreatment standards. The report shall be signed by an authorized representative of the user.

I. Periodic Compliance Reports

1. All WDP holders shall submit a report of the daily concentration of pollutants and daily flow of wastewater of wastewater or industrial waste being discharge to the POTW; such report shall be submitted in accordance to the provisions of the WDP and shall be submitted to the City. All user's shall retain all periodic compliance reports for a minimum of three (3) years, as required by 40 CRF 403.12 (0)(2).
2. All sampling analyses shall be performed by a certified laboratory acceptable to the City. Analytical procedures shall be in accordance with procedures established by this ordinance or the EPA pursuant to Section 304(g) of the Act, 40 CFR, Part 136 and its amendments and 40 CFR 261.

3. 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 Effluent for Priority Pollutants," April 1977, and its amendments. When 40 CFR, Part 136 does not include a sampling and analytical technique for a pollutant.
4. A Baseline Monitoring Report (BMR) must be submitted to the City by all user's at least ninety (90) days prior to initiation of discharge of wastewater or industrial waste to the POTW. The BMR must contain, at a minimum, the following:
 - a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the POTW.
 - b. Identifying information to include name, address of facility, user(s), contact person and any other permits held by the facility.
 - c. Wastewater characteristics: total daily plant flow, pollutants, average monthly and maximum daily flows from each process.
 - d. Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable Federal Pretreatment Standards and sample type and location. All analyses must conform with 40 CFR, Part 136 and its amendments.
5. New user's shall give estimates of the information requested in sections (c) and (d) above, but at no time shall a new user commence discharge(s) to the POTW of pollutants, wastewater, or industrial waste that does not meet provisions of this ordinance. All new user's shall be in compliance with provisions of this ordinance, State and Federal Pretreatment Regulations prior to the discharge of wastewater or industrial waste to the POTW.

J. Wastewater Discharge Permit Violations

1. All user's shall notify the City as soon as possible but no later than 24 hours of first becoming aware of a WDP violation. This notification shall include the date of violation, the maximum daily limit violated and the amount in exceedance.

2. The user shall repeat the sampling and analysis of the pollutants in question and submit the results to the City within thirty (30) days after becoming aware of the violation. Exception to this regulation is only if the City performs the sampling within the thirty (30) day time period for the same pollutants.
3. Compliance with the terms of an Wastewater Discharge Permit shall be deemed in compliance with the terms of this ordinance.

K. Monitoring

1. The City shall require user's to provide and operate, monitoring facilities and equipment necessary to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system at no cost to the City. The monitoring facility shall be located on the user's premises, but when such a location would be impractical the City may allow the facility to be constructed in a public right-of-way. The City shall review and approve the location, plans, and specifications for such monitoring facilities and may require for the separate monitoring and sampling of wastewater and industrial waste.

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained for the safety of personnel. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at no cost to the City.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed prior to any wastewater or industrial waste discharge to the POTW.

2. All sampling analyses shall be in accordance with approved procedures and shall be submitted to the City regardless of whether or not that analysis is required by the WDP.
3. Any changes in the sampling point and/or monitoring facilities shall have prior approval of the City.

L. Inspection and Sampling of Wastewater Discharges

Without any advance notice, the City shall inspect the user's monitoring and sampling facilities to determine if such facilities are being operated to meet the purpose and requirements of this ordinance. The user's shall allow City representatives access at all reasonable times and to all portions of their facilities. The user shall make available all pertinent records available.

The City, State, and EPA shall have the right to install monitoring and sampling equipment as necessary to conduct sampling, inspection, compliance monitoring and/or metering operations of the WDP holder. The user shall have a procedure to allow the entrance of the authorized personnel.

M. Pretreatment

All user's shall provide the necessary pretreatment required to comply with this ordinance and with any applicable Federal Categorical Pretreatment Standards. The City may require a schedule for installation of pretreatment technology and/or equipment by any user that cannot meet the requirements of this ordinance. Any facilities required to pretreat wastewater to a level required by this ordinance shall be provided, operated and maintained at no cost to the City . Detailed plans showing the pretreatment facilities and operating procedures shall be submitted for review, by the user and approved by the City before commencement of construction of the facility. The review of such plans and operating procedures shall not relieve the user from the responsibility for discharging an effluent that complies with the provisions of this ordinance. For any future modifications in the pretreatment facilities or method of operation the user shall submit and receive approved by the City prior to the modifications.

N. Annual Publication

The City shall on or about July 1st of each year publish in its largest local newspaper a list of user's which were in significant noncompliance with any provisions of this ordinance. The notification shall also summarize any enforcement actions taken against any user during the last twelve (12) month period.

All records relating to the City's Pretreatment Program shall be made available to officials of the EPA or state upon request. All records shall be maintained by the user for a minimum of three (3) years in accordance with 40 CFR 403.12(0) (2).

O. Confidential And Public Information

Information and data obtained from reports, questionnaires, permit application, permits and monitoring programs and from inspections shall be available to the public, unless the user has demonstrated that the release of such information would divulge trade secret information, such as processes, and methods of production.

The City, State, and EPA shall hold the trade secret information in confidence and shall use such information to determine compliance to this ordinance, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the Pretreatment Programs. Such information shall be available for use by the City, State or EPA in judicial review or enforcement of this ordinance. Wastewater or industrial waste pollutants shall not be recognized as confidential information and shall be available to the public.

P. Signatory Requirements

All applications, reports or information submitted to the City shall be signed and certified.

1. All permit applications shall be signed:
 - a) For a corporation: by a principal executive officer of at least the level of vice-president;
 - b) For a partnership or sole proprietorship: by a general partner or the proprietor;

2. All other correspondence, reports and self-monitoring reports shall be signed by person described above or by an authorized representative of that person. A person is an authorized representative only if:
 - a) The authorization is made in writing;
 - b) The authorization specifies either an individual or a specific position;

3. Any person signing a document required by this ordinance shall make the following certification:

"I certify under penalty of law that I am familiar with the information contained in this report and its attachments and that to the best of my knowledge and belief such information is true, complete and accurate."

ARTICLE VII - FEES

A. Purpose

All existing charges or fees are set forth in the "City's Schedule of Rates and Charges", Ordinance 92-15 and its amendments.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

Authorized Representatives of the City and of applicable Federal and State regulatory agencies shall be permitted to enter all properties of the user for the purpose of inspection, observation, measurement, sampling, and testing of wastewater and industrial waste being discharged to the POTW in accordance with the provisions of this ordinance.

B. Right to Obtain Information Regarding Discharge

Authorized representatives of the City and of applicable Federal and State regulatory agencies are authorized to obtain information including but not limited to copying of records concerning character, concentration and quantity of wastes, wastewater, or industrial waste being or may be discharged to the POTW.

C. Access to Easements

Authorized representatives of the City shall be permitted to enter all private properties through which the City holds an easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the POTW. All entry and subsequent work, shall be done in accordance with the terms of the easement for the private property involved.

D. Safety

While performing work on easements through private properties, all authorized representatives of the City shall observe all safety rules applicable to the private property. The user shall be held blameless for injury or death to City employees. The City shall secure the private land holder against loss or damage to its property and against liability claims and demands, except as may be caused by negligence or failure of the private land holder maintain safe conditions as required by this ordinance.

ARTICLE IX - ENFORCEMENT

A. General

To insure compliance with this ordinance, and as permitted through 40 CFR subchapter N, and 401 KAR 5:055, the City may take the following enforcement steps against users, in noncompliance with the ordinance. The remedies available to the City include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges of wastewater or industrial waste to the POTW and/or potable water service. The list of user's that had significant non compliance will be published annually.

The City may suspend the discharge of wastewater or industrial waste to the POTW to stop an actual or threatened discharge of pollutants which exceed the maximum daily limits, will be imminent substantial endangerment to the health or welfare of the public, or to the environment, will cause interference to the POTW, or will cause the City to violate any conditions of its NPDES/KPDES Permit.

After notification of a suspension of the discharge of wastewater of industrial waste to the POTW, the user shall immediately stop discharging wastewater or industrial waste to the POTW. If the user fails to comply with the suspension order, the City shall take any action necessary to eliminate damage to the POTW or the public.

Upon proof of elimination of the noncompliance, the City may reinstate the WDP or permit the user to discharge wastewater or industrial waste to the POTW. Within fifteen (15) days of the date of noncompliance, the user shall submit to the City a detailed written statement describing the noncompliance and measures take to prevent future occurrences.

B. Notice of Violation

1. Notice

The City may issue a written "Notice of Violation" to any user violating any provision of this ordinance or of a WDP.

2. Users Response

Within ten (10) days of the receipt of the notice of violation, the user shall provide a written explanation and record of the violation, and user shall submit a plan for the correction and prevention of the violation.

3. Users Liability

Correction of the violation or submission of the plan shall not relieve the user of any action or potential liability to the City for any known or unknown violation.

C. Administrative Orders

After issuing a Notice of Violation and continuing violation by the user, the City shall have the right to issue an Administrative Order for the user to appear at an Administrative Hearing before the City. Based on the evidence presented in the Administrative Hearing, the City shall have the right to issue a compliance schedule and administrative fines to the user.

The Administrative Order may be any of the following three forms:

1. Consent Orders

The City may issue a Consent Order requesting the user to correct a Significant Non Compliance or a violation within a specific time period.

2. Compliance Order

The City may issue a Compliance Order notifying the user that discharges of wastewater or industrial waste to the POTW will not be permitted and requesting the user to install additional pretreatment, and monitoring, and increase the frequency of inspection and sampling. The City may physically prevent the users discharge of wastewater or industrial waste to the POTW.

3. Cease and Desist Orders

The City may issue a Cease and Desist Order to a user to a) immediately Cease and Desist all discharges of wastewater or industrial waste to the POTW, and b) immediately take remedial and preventive action to cease the violation.

D. Show Cause Hearing

1. The City may issue an order to a user to appear and show cause why remedial and prevention action should not be completed and why the City should not exercise its enforcement powers.

The hearing notice shall be served by certified mail to the users authorized representative at least ten (10) days prior to the hearing.

2. The City shall conduct the hearing and take the evidence:
3. At the hearing, testimony shall be taken under oath and recorded. At a predetermined cost by the City the transcript, will be made available to the public or any party to the hearing.
4. After the City has reviewed the evidence, it may issue an order directing the user to discontinue the discharge of wastewater or industrial waste to the POTW and install adequate treatment facilities, devices, or other related appurtenances. The City may issue further orders and directives.

E. Additional Enforcement Remedies

1. Performance Bonds

After a Show of Cause Hearing or for the reissue of a WDP the City may require a user to post a performance bond payable to the City for a sum not to exceed the City's estimated costs of any operation, maintenance or improvements to the POTW required by the violation.

2. Liability Insurance

After a Show of Cause Hearing or for the reissue of a WDP, the City may require the user sufficient liability insurance to cover the City's estimated costs of any operational, maintenance or improvements to the POTW required by the violation.

ARTICLE X - PENALTIES

A. Written Notice

Any user found to be violating any provision of this ordinance or a WDP issued hereunder, shall be served by the City with notice of violation stating the nature of the violation.

B. Penalties

The penalties shall range from publication of violators in the local newspaper to administrative fines of at least \$1,000.00 per day per violation.

C. Revocation of Permit

Any user violating any of the provisions of this ordinance, a WDP or an Administrative order, may be subject to termination of the discharge of wastewater or industrial waste into the POTW. The termination may be immediate if necessary for the protection of the POTW. Also, the said user(s) water service may be terminated.

D. Liability

A user shall be liable to the City for the additional costs of operation, maintenance, and development of the POTW caused by a violation.

E. Misrepresentation and/or Falsifying of Documents

Any user shall be punished by a fine of at least \$1,000.00 or by imprisonment for not more than twelve (12) months or by both who knowingly and/or negligently makes any false statements, representations or certification of any application, record, plan or other document filed or required pursuant to this Ordinance or a Wastewater Discharge Permit or who falsifies, tampers with or knowingly and/or negligently renders inaccurate any monitoring device required by this ordinance.

F. Destruction 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 of the POTW. Any person(s) violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

G. Legal Action

The City may commence action against a user for appropriate legal and economic relief in the appropriate court, if the user has violated any provisions of this ordinance, Pretreatment Requirements, or EPA, State or local limits.

H. Injunctive Relief

Based on violations of provisions of this ordinance, the City may petition the appropriate court for a preliminary or permanent injunction to restrain or compel the user to discontinue the discharge of wastewater or industrial waste to the POTW, or allow the City to discontinue the delivery of potable or raw water to the user.

I. Termination of Service

The City using a Notice of Violation and best professional judgement may suspend the user's discharge of wastewater or industrial waste to the POTW when it is necessary to stop or minimize damage to the POTW, or prevent interference or a pass through by the POTW. If the user does not or cannot comply with the notice of violation, the City may physically stop the user's discharge of wastewater or industrial waste to the POTW.

J. Civil Penalties

1. For each violation of any provisions of this ordinance, or a WDP, the City may fine a user for an amount not to exceed one thousand dollars (\$1000.00) for each violation plus the additional costs for operating, maintaining, or developing the POTW caused by the violation. Each day of a violation shall be a separate and distinct violation and each day during the monitoring period for which a violation is detected can be considered as separate violations. Also, the City may fine the user for reasonable attorney fees, court costs, and sampling and monitoring costs. If the City believes the user did not commit a criminal act, the City shall follow the following enforcement procedure:
 - a) Courtesy Letter to User - 1st violation
 - b) Notice of Violation - 2nd violation
 - c) Notice of Violation and Automatic Fine of \$300.00 - 3rd violation
 - d) Notice of Violation and Automatic Fine of \$500.00 - 4th violation
 - e) Notice of Violation and Automatic Fine of \$1,000.00 - 5th violation
 - f) Court Action by the City - 6th violation

The City will follow this procedure in the event of multiple violations by a user. However, nothing herein shall prevent the City from taking whatever steps are necessary in order to protect the public.

The City shall be allowed to consider the severity of the violations in determining the amount of the fines imposed.

2. The City may petition the Court to impose, assess and recover the fines and City costs. In determining amount of liability, the City shall present all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other pertinent factors.

J. Criminal Prosecution

1. Any user who willfully or negligently violates any provision of this ordinance or any administrative orders or WDP shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.
2. In the event of a second violation conviction, the user shall be punishable by a fine not to exceed Ten Thousand and 00/100 Dollars (\$10,000) per violation per day or imprisonment for not more than three (3) years or both.

ARTICLE XI - VALIDITY

A. Severability

If any provisions, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, section, and chapters shall not be affected and shall continue in full force and effect.

B. Repeal of Old Ordinances

Upon the effective date of this ordinance, the City of Russellville's Sewer Use Ordinance, (Ordinance 84-12 as amended by Ordinance 89-1, Ordinance 90-2, and Ordinance 91-14) ,along with the portions of Ordinance 84-13 that do not relate to charges or fees for users of said system, as (amended by Ordinance 90-3) are hereby repealed.

C. Jurisdiction

This Ordinance and its provisions shall be valid for all service areas, regions, sanitary sewer sewage, and POTW under the jurisdiction of the City of Russellville.

ARTICLE XII - ORDINANCE IN FORCE

This ordinance shall be in full force and affect from and after its passage, approval, recording and publication as provided by law.

FIRST READING

The first reading of this ordinance was held on the 21 day of March.


CLERK

SECOND READING

The second reading of the ordinance was held on the 4 day of April '95 and upon a roll call vote was adopted by the City Council of the City of Russellville Kentucky.


CLERK

MAYORAL APPROVAL

I, Ken Smith, Mayor of the City of Russellville, hereby accept and approve the foregoing Ordinance and direct same to be published in summary this 4 day of April, 1995.

MAYOR

ATTEST:


CITY CLERK

CITY OF RUSSELLVILLE
ENFORCEMENT RESPONSE PLAN
FOR
SEWER USE ORDINANCE NO. 95-3

I. Introduction

- a. This Enforcement Response Plan enforces the provisions of City of Russellville Sewer Use Ordinance No. 95-3 and is prepared according to 40 CFR 403.81 (f) (5) under authority granted by the Clean Water Act section 307 (b&c) and section 402 (b). Also, authority is granted to the City under Title 401 Kentucky Annotated Regulations 5:055, Section 9. (7) (f) (1).
- b. The Enforcement Response Plan shall be administered by the Pretreatment Coordinator under the direction of the Superintendent of the POTW. The Mayor will provide general supervision and legal services shall be provided by the City Attorney.

II. Enforcement Implementation of Sewer Use Ordinance NO. 95-3

- a. Enforcement of the Sewer Use Ordinance NO. 95-3 shall begin when the City becomes aware of any violation of any provision of the Sewer Use Ordinance NO. 95-3 and its amendments. The enforcement procedure is shown below in "Enforcement Action"; and will be followed until the user has corrected current violations and has approved plans for the prevention of future violations .
- b. This is the Enforcement Response Guide for enforcement of the Provisions of Sewer Use Ordinance NO. 95-3.

VIOLATION

ENFORCEMENT ACTION

1. Discharge without WDP

- 1. Phone call, courtesy letter;
- 2. NOV;
- 3. AO;
- 4. Show Cause Hearing;
- 5. Penalties;
- 6. Terminate service;
- 7. Civil Action;
- 8. Criminal Prosecution

- | | |
|-------------------------------------|--|
| 2. Exceeding WDP Limits | <ol style="list-style-type: none">1. Phone call, courtesy letter;2. NOV;3. AO;4. Show Cause Hearing;5. Penalties;6. Terminate Service7. Civil Action;8. Criminal Prosecution |
| 3. Dilution of Wastewater Discharge | <ol style="list-style-type: none">1. Phone call, courtesy letter2. NOV;3. AO;4. Show Cause Hearing;5. Penalties;6. Terminate service;7. Civil Action;8. Criminal Prosecution |
| 4. Failure to renew WDP | <ol style="list-style-type: none">1. Phone call, courtesy letter;2. NOV;3. AO;4. Show Cause Hearing;5. Penalties;6. Terminate service;7. Civil Action8. Criminal Prosecution |
| 5. Reporting Violation | <ol style="list-style-type: none">1. Phone call, courtesy letter;2. NOV;3. AO;4. Show Cause Hearing;5. Penalties;6. Terminate Service;7. Civil Action;8. Criminal Prosecution |
| 6. Failure to Monitor | <ol style="list-style-type: none">1. Phone call, courtesy letter;2. NOV;3. AO;4. Show Cause Hearing;5. Penalties;6. Terminate Service;7. Civil Action;8. Criminal Prosecution |

7. Failure to Install
Monitoring Equipment

1. Phone call, courtesy letter;
2. NOV;
3. AO;
4. Show Cause Hearing;
5. Penalties;
6. Terminate Service;
7. Civil Action;
8. Criminal Prosecution

8. Denial to enter and to
obtain information
regarding discharge

1. Phone call, courtesy letter;
2. NOV;
3. AO;
4. Show Cause Hearing;
5. Penalties;
6. Terminate Service;
7. Civil Action;
8. Criminal Prosecution