

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE NO. 2012-02**

AN ORDINANCE AMENDING ORDINANCE 2002-11, "AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY, CONCERNING USE OF THE MUNICIPAL SANITARY SEWAGE COLLECTION AND TREATMENT SYSTEM; SETTING FORTH POLICY, DEFINITIONS, FEES, SURCHARGES, 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 OF RUSSELLVILLE TO CHARGE FEES FOR ADMINISTERING THE CITY OF RUSSELLVILLE'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE; DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION AND AN EFFECTIVE DATE BY LIMITING MANDATORY SEWER HOOKUP ONLY WHEN THE GRAVITY FEED SEWER IS ON THE SAME SIDE OF THE STREET AND WITHIN 100 FEET OF THE WATER RATEPAYER'S PROPERTY LINE"

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WHEREAS, the Council of the City of Russellville has previously enacted Ordinance 2002-11, establishing a Pretreatment Program to establish requirements for direct and indirect contributors into the waste water collection and treatment system of the City of Russellville and to enable the City to comply with all applicable state and federal laws and regulations; and,

WHEREAS, said Ordinance now needs to be amended to include revisions and additions in language in order to continue in compliance with state and federal regulations regarding the Pretreatment Program;

NOW, THEREFORE, BE IT ORDAINED by the City of Russellville, as follows;

I. SUBSTANTIVE AMENDMENTS:

§51.002 DEFINITIONS of the Russellville Code of Ordinances shall be amended to read as follows:

"BEST MANAGEMENT PRACTICES (BMPs)." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

“SIGNIFICANT INDUSTRIAL USER (SIU).” Defined by EPA ~~guidance~~ regulations as:

(1) All industrial users subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(2) Any noncategorical user that:

(a) Discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary, noncontact cooling, and boiler blowdown wastewaters);

(b) Contributes a process wastestream which makes up to 5% or more of the average dry weather hydraulic or organic (BOD, TSS, and the like) capacity of the treatment plant; or

(c) Has a reasonable potential, in the opinion of the City of Russellville, as the control ~~or~~ approval authority, and/or the Kentucky Division of Water, as the approval authority, to adversely affect the operation of the ~~pollutants, POTW (e.g., its treatment facility, sludge management, or collection and transmission), sludge contamination or endangerment of POTW workers)~~ The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met: (1) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; (2) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and (3) the Industrial User never discharges any untreated concentrated process wastewater.

Upon a finding that a User meeting the criteria in this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

§51.024 PROHIBITED DISCHARGES of the Russellville Code of Ordinances shall be amended to read as follows:

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with performance of the POTW or cause pass-through of a pollutant(s) to the receiving stream. These general prohibitions apply to all such users of a POTW whether or not the user is subject to national categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements. In addition, a ~~A~~ user shall not contribute the following substances to the POTW:

§51.040(B) PERMITS of the Russellville Code of Ordinances shall be amended to read as follows:

- (B) Users shall promptly notify the City of Russellville at least thirty (30) days in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Public Works Director may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested. Significant Industrial Users are required to notify the Public Works Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

§51.051 INDUSTRIAL WASTEWATER PERMIT FEE of the Russellville Code of Ordinances shall be amended to read as follows:

An industrial wastewater permit fee in the amount of \$500 per year with three years payable in advance upon the issuance of the wastewater discharge permit and a like amount payable upon a renewal of the wastewater discharge permit is hereby imposed. A waste haulers permit fee of \$300 per year ~~is hereby~~ shall also be imposed in accordance with the City's "Waste Hauler Fee Schedule" policy as established and reviewed annually by the Public Works Director. In addition, with all such haulers will being be required to pay a disposal fee of \$12.50 for the first 1,000 gallons, and thereafter a disposal fee of \$1 per 100 gallons after the first 1,000 gallons, in accordance with the City's "Waste Hauler Fee Schedule" policy as established and reviewed annually by the Public Works Director. ~~This shall be all of which is~~ in addition to the annual permit fee.

§51.061(N) and (O) RESTRICTED DISCHARGES of the Russellville Code of Ordinances shall be amended to read as follows:

- (N) The Public Works Director is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). Users must also comply with any applicable categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471. The following local limitations areas established for characteristics of any wastewaters to be discharged into the City of Russellville's sewer system. All ~~significant~~ industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations. Based upon the sampling program at the Russellville Wastewater Treatment Plant, and contingent on the Kentucky Division of Water's approval, local limitations may be adjusted to reflect the POTW's needs.
- (O) The City of Russellville has received authority through the U.S. Environmental Protection Agency, Kentucky Revised Statutes, and Kentucky Administrative

Regulations to enforce the requirements of 40 CFR Chapter I, Subchapter N, Parts 405-471, 40 CFR Part 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations. The Public Works Director may require the development of Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of this ordinance. Such BMPs shall be considered Local Limits and Pretreatment Standards.

§51.101 INDUSTRIAL USER DISCHARGE PERMITS of the Russellville Code of Ordinances shall be amended to read in full as follows:

- (C) Issuance. The City of Russellville shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the furnished data ~~furnished~~ and additional information, the Public Works Director may issue an industrial wastewater discharge permit subject to terms and conditions provided herein. The industrial wastewater discharge permit must be issued prior to commencement of discharge. All new source categorical industries shall be capable of achieving compliance with this chapter upon commencement of discharge.

The Public Works Director shall provide notice to each significant industrial user of the issuance of the user's industrial wastewater discharge permit. Any person, including the User, may petition the Public Works Director to reconsider the terms of a permit within fifteen (15) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the permit. A copy of any such written petition must be delivered to both the Mayor and the Public Works Director.
- (3) The effectiveness of the permit shall not be stayed during the review of the petition. However, at the discretion of the User, the User may suspend its regulated process discharges to the City, during the period of review.
- (4) If the Public Works Director fails to act within thirty (30) days of receipt of the petition, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

- (5) Aggrieved parties seeking judicial review of the final administrative action and/or the permit must do so by filing a complaint with the Logan County Circuit Court within sixty (60) days and in accordance with the appropriate procedures of that court and any statute of limitations.

§51.102 PERMIT MODIFICATIONS of the Russellville Code of Ordinances shall be amended to read as follows:

~~Within nine months of the promulgation of a national categorical pretreatment standards, the industrial wastewater discharge permit of users subject to such standards shall be revised to required compliance with such standards within the time frame prescribed by such standards. Where a user, subject to national categorical pretreatment standards, has not previously submitted an application for an industrial user permit as required, the user shall apply for an industrial user permit within 90 days after the promulgation of the applicable national categorical pretreatment standards. In addition, the user with an existing industrial user permit shall submit, to the Director within 90 days after the promulgation of an applicable federal categorical pretreatment standard, the information required by this chapter.~~

The Public Works Director may modify an industrial wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Russellville POTW, personnel, biosolids disposal and/or the receiving stream;
- (5) Violation of any terms or conditions of the Industrial User Permit;
- (6) Misrepresentations of failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.7 or 40 CFR 403.13; or,
- (8) To correct typographical or other errors in the discharge permit.

§51.103 PERMIT CONDITIONS of the Russellville Code of Ordinances shall be amended to read as follows:

Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the City of Russellville. The Public Works Director may authorize an Industrial User subject to a Categorical Pretreatment Standard to forego sampling of a pollutant regulated by a Categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Industrial User's discharge or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the conditions established in 40 CFR 403.12(e)(2). Permits must contain the following:

- (A) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;
- (B) Effluent Limits, including Best Management Practices, on the average and/or maximum wastewater constituents and characteristics;
- (C) Limits on average and/or maximum rate and time of discharge or requirements for flow regulations and equalization;
- (D) Requirements for installation and maintenance of inspection and sampling facilities;
- (E) Specifications for monitoring programs which may include sampling location; frequency of sampling; number, type and standards for tests; and reporting schedule;
- (F) Compliance schedules;
- (G) Requirements for submission of technical reports or discharge reports;
- (H) Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the City of Russellville, and affording the City of Russellville access thereto as required by 40 CFR 403:12(o)(2);
- (I) Requirements for notification of the City of Russellville 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;
- (J) Requirements for notification of slug discharges;

- (K) The permit may require the user to reimburse the City of Russellville for all expenses related to implementation of the pretreatment program and verification of the permittee's compliance status. monitoring, sampling and testing performed at the direction of the Director and deemed necessary by the City of Russellville to verify that the user is in compliance with the permit;
- (L) Other conditions as deemed appropriate by the City of Russellville to ensure compliance with this chapter;
- (M) A statement that indicates the industrial wastewater discharge permit issuance date, expiration date and effective date;
- (N) A statement that the industrial wastewater discharge permit is nontransferable;
- (O) Requirements to control Slug Discharge, if determined by the Public Works Director, to be necessary.
- (P) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with this chapter. Any grant of a waiver by the Public Works Director must be included as a condition in the User's permit.
- (Q) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law; and
- (R) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

§51.107 COMPLIANCE DATA REPORTING of the Russellville Code of Ordinances shall be amended to read as follows:

An Industrial User which qualifies as an existing source shall, ~~W~~within 90180 days following the ~~date for final compliance with~~ effective date of applicable categorical pretreatment standards ~~or, in the case of a new user, following commencement of~~ established by the US EPA, submit a baseline monitoring report to the Public Works Director pursuant to 40 CFR 403.12(b). Such Industrial User shall come into compliance with categorical pretreatment standards within three years of the effective date for the applicable standards established by the US EPA unless the US EPA establishes a shorter final compliance date. A compliance schedule may be required by the Public Works Director in the discharge permit issued to an existing source, pursuant to 40 CFR 403.12(c); the schedule shall not exceed the final compliance date established by US EPA for the applicable standards.

An Industrial User subject to categorical pretreatment standards which qualifies as a new source shall submit a baseline monitoring report to the Public Works Director pursuant to 40 CFR 403.12(b) at least 90 days prior to the introduction of wastewater into the POTW. Such Industrial Users have installed and completed start-up of all control equipment necessary to come into compliance with categorical pretreatment standards prior to commencing discharge to the City, pursuant to 40 CFR 403.6(b) and shall meet all applicable pretreatment standards, including all provisions of this chapter, within 90 days of commencing discharge, or less time as established by the Public Works Director. ~~any user subject to federal categorical pretreatment standards and requirements shall submit, to the Public Works Director, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by categorical pretreatment standards and requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such categorical standards or requirements. The report shall state whether the applicable categorical pretreatment standards and requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable categorical pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user.~~

§51.108 PERIODIC COMPLIANCE REPORTS of the Russellville Code of Ordinances shall be amended to read as follows:

- (A) All significant industrial users shall submit, to the Public Works Director, at a frequency specified in the user permit but not less than every six months. ~~(or on dates specified in the industrial user permit) unless required more frequently by the permit,~~ a report indicating, at a minimum, the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards or discharge permit. The report shall also include the chain-of-custody (COC) forms, field data and any other information required by the Public Works Director as necessary to verify compliance with Pretreatment Standards and/or Requirements. In addition, this report shall include a record of all daily flows ~~which during the reporting period exceeded~~ or the average daily flow. At the discretion of the Public Works Director and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the Public Works Director may agree to alter the months during which the above reports are to be submitted. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Superintendent Public Works Director or the Pretreatment Standard necessary to determine the

compliance status of the User. All periodic Compliance reports must be signed and certified in accordance with 40 CFR 403.12. For Industrial Users subject to equivalent mass or concentration limits established by the City, the report shall contain a reasonable measure of the User's long term production rate. For Industrial Users subject to categorical pretreatment standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual average production rate for the reporting period.

The City may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA and/or State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:

- (1) 0.01 percent of the WWTP's design dry-weather hydraulic or organic capacity, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches; or,
 - (2) 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with this ordinance.
- (B) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. All analyses shall be performed by a laboratory acceptable to the City of Russellville. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator US EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the US EPA U.S. EPA Administrator. Except as indicated in Section (a) and (b) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Public Works Director. Where time-proportional composite sampling or grab sampling is authorized by the Public Works Director the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate US EPA guidance, multiple grab samples collected during a

24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved US EPA methodologies may be authorized by the Public Works Director, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. (b) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

- (C) Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the US 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 Administrator.
- (D) A Baseline Monitoring Report (BMR) must be submitted to the Public Works Director by all categorical industrial users pursuant to §51.107 of this chapter. ~~at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:~~
- ~~(1) 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 sewer system.~~
 - ~~(2) Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.~~
 - ~~(3) Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.~~
 - ~~(4) Nature/Concentration of pollutants: analytical results for all pollutants regulated by this Ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR Part 136 and amendments thereto.~~
 - ~~(5) Information concerning any pretreatment equipment used to treat the facility's discharge.~~

- ~~(E) New sources shall give estimates of the information requested in divisions (E)(4) and (E)(5) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet all provisions of this chapter. All new sources must be in compliance with all provisions of this chapter, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.~~
- (E) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with Best Management Practices as may be required. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall automatically be extended for the duration of any litigation concerning the User or the city or where the User has been specifically notified of a longer retention by the Public Works Director.
- (F) All Industrial Users shall comply with the reporting requirements in 40 CFR 403.12 unless more stringent requirements are established in this chapter or by the Public Works Director. 40 CFR 403.12(f) requires the Industrial User to notify the City of any discharge with the potential of causing problems to the POTW and 40 CFR 403.12(h) requires Significant Non-Categorical Industrial Users to submit a report at least once every six months on dates specified by the Public Works Director.

§51.113 ANNUAL PUBLICATION

- (A) The City of Russellville shall annually publish in the largest newspaper in general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of significant users which were in significant non-compliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

§51.114 SIGNIFICANT NON-COMPLIANCE of the Russellville Code of Ordinances shall be amended to read as follows:

A **USER** is defined as being in significant noncompliance when it commits one or more of the following conditions:

- (A) Causes imminent endangerment to human health or the environment or results in the Public Works Director's exercise of emergency authority under 40 CFR 403 to halt or prevent such a discharge;
- (B) Involves failure to report noncompliance accurately;
- (C) Results in a **CHRONIC VIOLATION** defined here as 66% or more of all measurements taken for a pollutant during a six-month period that exceed (by any magnitude) the daily maximum limit or the monthly average limit for the same pollutant parameter;
- (D) Results in a **TECHNICAL REVIEW CRITERIA (TRC) VIOLATION** defined here as 33% or more of all measurements for a pollutant parameter taken during a six-month period that 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, and oil and grease, and equals 1.2 for all other pollutants except pH).
- (E) Any violation of a pretreatment effluent limit that the control authority determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
- (F) ~~Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;~~
- (G) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;
- (H) Failure to provide required reports within ~~30~~ 45 days of the due date;
- (I) Any violation or group of violations which may include a violation of Best Management Practices, which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

§51.116 SIGNATORY REQUIREMENTS of the Russellville Code of Ordinances shall be amended to read as follows:

All applications, reports or information submitted to the City of Russellville shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the City of Russellville prior to acceptance of any application or other required document.

- (A) All permit applications shall be signed:
- (1) For a corporation: by a principal executive officer of at least the level of vice-president;
 - (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
- (B) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- (1) The authorization is made in writing by a person described above;
 - (2) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.
- (C) Certification. Any person signing a document under this section shall make the following written 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.” this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

A facility determined to be a Non-Significant Categorical Industrial User by the Public Works Director pursuant to §51.002 DEFINITIONS of this chapter must annually submit the following certification statement signed in accordance with the signatory requirements in this section. This certification must accompany any alternative report required by the Public Works Director:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR [Part], I certify that, to the best of my knowledge and

belief that during the period from [month/day] , [year] to [month/day] , [year]:

(a) The facility described as [Facility Name] met the definition of a Non-Significant Categorical Industrial User as described in §51.002 DEFINITIONS of this chapter.

(b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

Users that have an approved monitoring waiver based on §51.103 PERMIT CONDITIONS of this chapter must certify each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [Part], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant] in the wastewaters due to the activities at the facility since filing of the last periodic report as required by §51.108 PERIODIC COMPLIANCE REPORTS of this chapter.

§51.156 NOTICE OF VIOLATION of the Russellville Code of Ordinances shall be amended to read as follows:

(C) The full scale of enforcement actions will be as detailed in the enforcement response plan. The enforcement actions and remedies provided for in this chapter are not exclusive. The Public Works Director may take any, all, or a combination of these actions against a noncompliant User. Enforcement of pretreatment violations will be in accordance with the City of Russellville's Enforcement Response Plan. Further the Public Works Director is empowered to take more than one enforcement action against any noncompliant User.

II. SEVERABILITY CLAUSE:

If any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable, the remaining provisions of this Ordinance shall continue in full force and effect.

III. REPEALER CLAUSE:

EXCEPT, as herein provided and amended, said CHAPTER 51: SEWER SYSTEM AND WATER WORKS SYSTEM shall remain in full force and effect as originally enacted. Any and all parts of Ordinances now in effect which conflict with this Ordinance are hereby repealed.

IV. EFFECTIVE DATE:

THIS AMENDMENT, to said chapter, shall be in full force and effect from and after its passage, approval, and publication as required by law.

The FIRST READING of this Ordinance was held on the 6th day of March 2012.

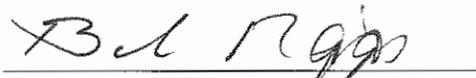
The SECOND READING of this ordinance was held on the 17th day of April, 2012 and upon a roll call vote was adopted by the City Council of the City of Russellville, Kentucky.

APPROVED:



MARK STRATTON, MAYOR
CITY OF RUSSELLVILLE

ATTEST:



BOB RIGGS, CITY CLERK
CITY OF RUSSELLVILLE

At a meeting of the City Council of the City of Russellville, Kentucky, held on ____, 2012, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES:

Jimmy Davenport
Pat Bell
Sandra Kinser
Jack Whipple
Bill Decker
Darlene Gough

NAYS:

ABSENT:

ABSTAINING: