

CHAPTER 53: WASTEWATER

Section

General Provisions

- 53.001 Purpose; policy
- 53.002 Definitions and abbreviations

Use of Public Sewers

- 53.020 Mandatory sewer connections
- 53.021 Unlawful discharge to storm sewers or natural outlets
- 53.022 Compliance with local, state, and federal laws
- 53.023 Discharge of unpolluted waters into sewer
- 53.024 Prohibited discharges

Private Wastewater Disposal

- 53.035 Public sewer not available
- 53.036 Requirements for installation

Building Sewers and Connections

- 53.050 Permits
- 53.051 Prohibited connections
- 53.052 Design and installation
- 53.053 Inspection

Pollutant Discharge Limits

- 53.065 General conditions
- 53.066 Restricted discharges
- 53.067 Dilution of wastewater discharge
- 53.068 Grease, oil, and sand interceptors
- 53.069 Special industrial pretreatment requirements
- 53.070 Protection from accidental and slug discharges
- 53.071 State requirements
- 53.072 City's right of revision
- 53.073 Federal categorical pretreatment standards

Pretreatment Program Administration

- 53.085 Wastewater discharges
- 53.086 Industrial wastewater discharge permits
- 53.087 Issuance
- 53.088 Permit modifications
- 53.089 Permit conditions
- 53.090 Alternative discharge limits
- 53.091 Permit duration
- 53.092 Permit transfer

- 53.093 Compliance data reporting

- 53.094 Periodic compliance reports
- 53.095 Permit violations
- 53.096 Monitoring
- 53.097 Inspection and sampling
- 53.098 Pretreatment
- 53.099 Annual publication
- 53.100 Significant non-compliance
- 53.101 Confidential information
- 53.102 Signatory requirements

Fees and Charges

- 53.115 Purpose
- 53.116 Charges and fees
- 53.117 Connection fees
- 53.118 Deposit
- 53.119 Trucker's discharge fees
- 53.120 User fees
- 53.121 Debt service, depreciation and minimum usage charge
- 53.122 OM&R charges: domestic wastewater and commercial wastewater
- 53.123 Industrial OM&R charge
- 53.124 Oil and grease surcharge
- 53.125 Billing
- 53.126 Financial management system
- 53.127 System development charges

Powers and Authority of Inspectors

- 53.135 Right to enter premises
- 53.136 Right to obtain information regarding discharge
- 53.137 Access to easements
- 53.138 Safety

Enforcement

- 53.150 General provisions
- 53.151 Notice of violation
- 53.152 Administrative orders
- 53.153 Show cause hearing
- 53.154 Additional enforcement remedies
- 53.155 Written notice

- 53.999 Penalty

GENERAL PROVISIONS

§ 53.001 PURPOSE; POLICY.

(A) This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the city and enables the city to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the general Pretreatment Regulations (40 CFR, Part 403).

(B) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the

municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;

(2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters so as to cause violations of the city's KPDES Permit or the atmosphere or otherwise be incompatible with the system;

(3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

(4) To provide for equitable distribution of the cost of the municipal wastewater system.

(C) This chapter provides for the regulation of direct and indirect contribution to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the City Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Superintendent shall administer, implement, and enforce the provisions of this chapter.

(E) This chapter provides for the recovery of costs associated with operation, maintenance, and replacement (OM&R) and debt service associated with the municipal sanitary sewage treatment and collection system from users of the system.

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98)

§ 53.002 DEFINITIONS AND ABBREVIATIONS.

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

"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.

"APPROVAL AUTHORITY." The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.

"AGENCY." Any governmental or quasi governmental entity.

"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 industrial user is a corporation;

(2) A general partner or proprietor if the user is a partnership or proprietorship, respectively;

(3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

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

"BASELINE MONITORING REPORT (BMR)." A report submitted by categorical industrial users within 180 days after the effective date of a categorical standard which indicates the compliance status of the user with the applicable categorical standard (40 CFR 403.12(b)).

"BEST MANAGEMENT PRACTICES OR BMPS." Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 Code of Federal Regulations (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.

"BIOCHEMICAL OXYGEN DEMAND (BOD)." The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20o Celsius expressed in milligrams per liter (mg/l).

"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 an inner face of the building wall.

"BUILDING SEWER." The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

"BUILDING SEWER PERMIT." As set forth in sections § 53.050.

"CATEGORICAL INDUSTRIAL USER." An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.

"CATEGORICAL PRETREATMENT STANDARDS." National Categorical Pretreatment Standards or Pretreatment Standard. Any 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 industrial users.

"CITY." The City of Bardstown, Kentucky; its City Council; the Superintendent; or their designee.

"CITY ENGINEER." The City Engineer of the city, or his authorized deputy, agent or representative. In the absence of a City Engineer, the term Superintendent shall be used.

"CLEAN WATER ACT (CWA)." (Also known as the "Federal Water Pollution Control Act") Public Law 92-500. October 18, 1972. 33 U.S.C.

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.

"COMBINED SEWER." Any conduit carrying both sanitary sewage and storm water or surface water.

"COMBINED WASTESTREAM FORMULA (CWF)." Procedure for calculating alternative discharge limits at industrial facilities where a regulated wastestream is combined with other non-regulated wastestreams prior to treatment (40 CFR 403.7).

"COMMERCIAL USER." All retail stores, restaurants, office buildings, laundries, and other private business and service establishments.

"COMPATIBLE POLLUTANT." Biochemical oxygen demand, suspended solids, and fecal coliform bacteria; plus any additional pollutants identified in the POTW's NPDES/KPDES permit, where the POTW is designed to treat such pollutants and, in fact, does treat such pollutants so as to ensure compliance with the POTW's NPDES/KPDES permit.

"CONCENTRATION-BASED LIMIT." A limit based on the relative strength of a pollutant in a wastestream, ususally expressed in mg/l.

"CONTROL AUTHORITY." Shall refer to the city when there exists an approved Pretreatment Program under the provisions of 40 CFR 403.11.

"COOLING WATER." The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"DAILY MAXIMUM." The maximum allowable value for any single observation in a given day.

"DEBT SERVICE." Charges levied on users of the wastewater treatment works to support the annual debt service obligations of the system.

"DILUTE WASTESTREAM." Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.

"DIRECT DISCHARGE." The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.

"DISCHARGER." Any person that discharges or causes a discharge to a public sewer.

"DOMESTIC WASTEWATER." The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes.

"EASEMENT." An acquired legal right for the specific use of land owned by others.

"EFFLUENT." The liquid overflow of any facility designed to treat, convey or retain wastewater.

"ENVIRONMENTAL PROTECTION AGENCY" or "EPA." The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or their duly authorized official of said agency.

"EQUIPMENT." All movable, non-fixed items necessary to the wastewater treatment process.

"FLOW PROPORTIONAL COMPOSITE SAMPLE." Combination of individual samples proportional to the flow of the wastestream at the time of sampling.

"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.

"GARBAGE." The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

"GOVERNMENTAL USER." Includes legislative, judicial, administrative, and regulatory activities of federal, state and local governments.

"GRAB SAMPLE." A sample which is taken from a wastestream on a one-time basis with no regard to the flow in the wastestream and without consideration of time.

"HOLDING TANK WASTE." Any waste from holding tank such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

"INCOMPATIBLE POLLUTANT." All pollutants other than compatible pollutants as defined in "COMPATIBLE POLLUTANTS."

"INDIRECT DISCHARGE." The discharge or the introduction of non-domestic pollutants from any source regulated under section 307 (b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

"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.

"INDUSTRIAL WASTEWATER DISCHARGE PERMIT." A permit issued to

industrial users which authorizes discharges to the public sewer as set forth in §§ 53.085 through 53.102.

"INDUSTRIAL WASTES." The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.

"INSTITUTIONAL USER." Includes social, charitable, religious and educational activities such as schools, churches, hospitals, nursing homes, penal institutions and similar institutional users.

"INTERCEPTOR." A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes while permitting normal sewage or liquid wastes to discharge into the sewer system or drainage system by gravity. Interceptor as defined herein is commonly referred to as grease, oil, or sand trap.

"INTERFERENCE." A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

2) Therefore is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act (40 CFR 403.3).

"MAY." This is permissive (see "SHALL").

"MONTHLY AVERAGE." The maximum allowable value for the average of all observations obtained during one month.

"MULTI-UNIT SEWER CUSTOMER." A location served where there are two or more residential units or apartments, two or more businesses in the same building or complex, or where there is any combination of business and residence in the same building or complex.

"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) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

"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. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

"NATURAL OUTLET." Any outlet, including storm sewers, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

"NEW SOURCE." Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.

"NINETY (90) DAY COMPLIANCE REPORT." A report submitted by a categorical industrial user, within 90 days following the date for final compliance with applicable categorical standards that documents and certifies the compliance status of the user (40 CFR 403.12(d)).

"NORMAL DOMESTIC WASTEWATER." Wastewater that has a BOD concentration of not more than 250 mg/l, a suspended solids concentration of not more than 250 mg/l, and an ammonia-nitrogen concentration of not more than 20 mg/l.

"OPERATION AND MAINTENANCE." Those functions that result in expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and for which such works were designed and constructed. The term "operation and maintenance" includes replacement as defined below.

"PASS THROUGH." A discharge of pollutant which cannot be treated adequately by the POTW, and therefore exits into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES/KPDES permit (including an increase in the magnitude or duration of a violation) (40 CFR 403.3).

"PERIODIC COMPLIANCE REPORT." A report on compliance status submitted by significant industrial users to the Control Authority at least semiannually (40 CFR 403.12(e)).

"PERSON." Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity or 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.

"pH." The logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.

"POLLUTION." The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

"POLLUTANT." Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

"POTW TREATMENT PLANT." That portion of the POTW designed to provide treatment to wastewater.

"PRETREATMENT" or "TREATMENT." The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or process change, or other means, except as prohibited by 40 CFR Section 403.6 (d).

"PRETREATMENT REQUIREMENTS." Any substantive or procedural requirement related to pretreatment, other than a National Categorical Pretreatment Standard imposed on a significant user.

"PROCESS WASTEWATER." Any water which, during manufacturing or processing, 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.

"PRODUCTION-BASED STANDARD." A discharge limitation expressed in terms of allowable pollutant mass discharge rate per unit of production and is applied directly to an industrial user's manufacturing process.

"PROHIBITIVE DISCHARGE STANDARD." Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403. (5).

"PROPERLY SHREDDED GARBAGE." The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

"PUBLICLY OWNED TREATMENT WORKS (POTW)." A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the city. This definition includes any sewers that convey wastewater to the POTW treatment plant but does not include pipes, sewers, or other conveyance not connected to a facility providing treatment. For the purpose of this chapter, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the city who are, by contract or agreement with the city, users of the city's POTW.

"PUBLIC SEWER." A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main

sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority. Nothing in this definition shall expand the city's current policy of maintenance of service branches.

"REGULATED WASTESTREAM." An industrial process wastestream regulated by a National Categorical Pretreatment Standard.

"REPLACEMENT." Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

"RESIDENTIAL USER." Any contributor to the city's treatment works whose lot, parcel or real estate, or building is used for domestic dwelling purposes only.

"SANITARY SEWER." A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.

"SEWAGE." The spent water of a community. Domestic or sanitary waste shall mean the liquid or water-carried wastes from residences, commercial buildings and institutions as distinct from industrial sewage. The terms "sewage" and "wastewater" are used interchangeably.

"SEWERAGE." Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.

"SEWER USER CHARGES." A system of charges levied on users of a POTW for the cost of operation and maintenance, including replacement, of such works.

"SEWER SYSTEM" or "WORKS." All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.

"SEWER." A pipe or conduit that carries wastewater or drainage water.

"SHALL." Is mandatory. "MAY" is permissive.

"SIGNIFICANT INDUSTRIAL USER (SIU)." Defined by EPA guidance 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), or

(b) Contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant, or

(c) Has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers) or for violating any pretreatment standard or requirement. 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(g) 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.
(Ord. 571, passed 1-19-95)

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

"SLUG LOAD." Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.

"SLUG LOAD CONTROL PLAN." A plan prepared by an industrial user to minimize the likelihood of a slug load to the POTW and to expedite control should a slug load occur.

"SPILL PREVENTION AND CONTROL PLAN." A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.

"SPLIT SAMPLE." Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.

"STANDARD INDUSTRIAL CLASSIFICATION (SIC)." A classification scheme based on the type of industry or process at a facility.

"STANDARD METHODS." The examination and analytical procedures set forth in the recent editions of "Standard Methods for the Examination of Water and Wastewater," published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation and as set forth in the Congressional Record, 40 CFR 136.

"STATE." Commonwealth of Kentucky.

"STORM DRAIN" (Sometimes Termed "STORM SEWER"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.

"STORM WATER." Any flow occurring during or following any form of natural precipitation and resulting therefrom.

"SUPERINTENDENT." The Civil Engineer of the City of Bardstown or his assigned deputy, agent, or representative.

"SUSPENDED SOLIDS (SS)." Solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

"TIME PROPORTIONAL COMPOSITE SAMPLE." Combination of individual samples with fixed volumes taken at specific time intervals.

"TOXIC ORGANIC MANAGEMENT PLAN." Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.

"TOXIC POLLUTANT." Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA Section 307 (a) or any amendments thereto.

"TREATMENT WORKS." Any devices and systems for the storage, treatment, recycling and reclamation of municipal wastewater, domestic

wastewater or liquid industrial wastes. These include intercepting sewers, outfall sewers, wastewater collection systems, pumping, power, and other equipment and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof, elements essential to provide a reliable recycled supply such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residues resulting from such treatment (including land for composting sludge, temporary storage of such compost and land used for the storage of treated wastewater in land treatment systems before land application); or any other method or system for preventing, abating, reducing, storing, treating, separating or disposing of municipal waste or industrial waste, including waste in combined storm water and sanitary sewer systems.

"UNPOLLUTED WATER." Water of quality equal to or better than the treatment works effluent criteria in effect, or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

"UNREGULATED WASTESTREAM." A wastestream that is not regulated by National Categorical Pretreatment Standards.

"USEFUL LIFE." The estimated period during which a treatment works will be operated.

"USER." Any person who contributes, causes or permits the contribution of wastewater into the POTW.

"USER CHARGE." The total wastewater service charge which is levied in a proportional and adequate manner for the cost of operation, maintenance, replacement and debt service expenses of the wastewater treatment works.

"WASTEWATER." The spent water of a community. Sanitary or domestic wastes shall mean the liquid and water carried wastes from residences, commercial buildings and institutions as distinct from industrial waste.

"WASTEWATER FACILITIES." The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.

"WASTEWATER TREATMENT WORKS." An arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant" or "sewage treatment plant".

"WATER METER." A water volume measuring and recording device, furnished and/or installed by a user and approved by the city of Bardstown.

"WATERCOURSE." A natural or artificial channel for the passage of water either continuously or intermittently.

"WATERS OF THE STATE." All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems 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.

The following abbreviations shall have the designated meaning:

ADMI - American Dye Manufacturers Institute
 ASTM - American Society for Testing and Materials
 BMP - Best Management Practices
 BOD - Biochemical Oxygen Demand
 BPJ - Best Professional Judgment
 CFR - Code of Federal Regulations
 CIU - Categorical Industrial User
 CWA - Clean Water Act of 1979
 CWF - Combined Wastestream Formula
 EPA - Environmental Protection Agency
 FWA - Flow Weighted Average
 FR - Federal Register
 GC - Gas Chromatography
 GC/MS - Gas Chromatography/Mass Spectroscopy
 gpd - gallons per day
 IU - Industrial User
 l - Liter
 mg - Milligrams
 mg/l - Milligrams per Liter
 NPDES - National Pollutant Discharge Elimination System
 KPDES - Kentucky Pollution Discharge Elimination System
 POTW - Publicly Owned Treatment Works
 QA - Quality Assurance
 QC - Quality Control
 RCRA - Resource Conservation and Recovery Act
 SIC - Standard Industrial Classification
 SIU - Significant Industrial User
 SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
 TSS - Total Suspended Solids
 TTO - Total Toxic Organics
 USC - United States Code

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. B2011-14, passed 8-23-11)

USE OF PUBLIC SEWERS

§ 53.020 MANDATORY SEWER CONNECTIONS.

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated

within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that said public sewer is within 100 feet (30.5 meters) of the property line.

(B) It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater where public sanitary sewer service is available, as defined in division (A), except as provided for in §§ 53.035 and 53.036.

(C) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public system within 60 days in compliance with this chapter, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material or salvaged and removed.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.021 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the city, or in any area under the jurisdiction of the city, or into any sewer which connects to the storm sewer system of the city, except in compliance with the provisions of this chapter.

(B) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.022 COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS.

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.023 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) No person(s) shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, or to any sanitary sewer, building, sewer, building drain or building plumbing. The Superintendent or his representative 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 such pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

(B) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.024 PROHIBITED DISCHARGES.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with or pass through the operation or performance of the POTW. 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. A user shall not contribute the following substances to the POTW:

(A) 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 the POTW or to the operation of the POTW. At no time shall the wastewater exhibit a closed cup flashpoint of less than 140o F.

or 60o C. using the test methods specified in 40 CFR 261.21.

(B) Any waters or wastes having a pH lower than 5.5 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.

(C) Any slug load of pollutants, including oxygen demanding pollutants (BOD, and the like), released at a flow rate and/or concentration that will cause interference with the normal operation of the POTW.

(D) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities, i.e., wood, glass, ashes, sand, cinders, unshredded garbage, paper products, such as cups, dishes, napkins and milk containers, etc.)

(E) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW that will result in a treatment plant influent temperature which exceeds 40o C. (104o F.).

(F) Any pollutant(s) which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(G) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

(H) Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.

(I) Any trucked or hauled pollutants except at discharge points designated by the POTW.

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95) Penalty, see § 53.999

PRIVATE WASTEWATER DISPOSAL

§ 53.035 PUBLIC SEWER NOT AVAILABLE.

(A) Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" §§ 53.020 through 53.034 the

building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Nelson County Health Department and all applicable local and state regulations.

(B) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the city.

(C) No statement contained in this subchapter shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.

(D) Holders of NPDES/KPDES Permits excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.036 REQUIREMENTS FOR INSTALLATION.

(A) The type, capacity, location and layout of a private sewage disposal system shall comply with all local or State regulations.

(B) A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the local and state authorities. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

BUILDING SEWERS AND CONNECTIONS

§ 53.050 PERMITS.

(A) There shall be two classes of building sewer permits required:

(1) For residential; and

(2) For service to commercial and industrial establishments. In either case, the owner(s) or his agent shall make application on a special form furnished by the city. Applicants for service to commercial and industrial establishments shall be required to furnish information about all waste producing activities, wastewater characteristics and constituents. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. Details regarding commercial and industrial permits include, but are not limited to those required by this chapter. Permit and inspection fees shall be paid to the city at the time the application is filed.

(B) Users shall promptly notify the city in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Superintendent 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.

(C) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the Superintendent. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.051 PROHIBITED CONNECTIONS.

(A) No person shall make connection of roof downspouts, 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. Any such connections which already exist on the effective date of this chapter shall be completely and permanently disconnected within 60 days of the effective date of this chapter. The owner(s) of any building sewers having such connections, leaks or defects shall bear all costs incidental to removal of such sources. Pipes, sumps, and pumps for such sources of ground and surface water shall be separate from wastewater facilities. Removal of such sources of water without presence of separate facilities shall be evidence of drainage to public sanitary sewer.

(B) Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

Building sanitary sewer connections in structures not meeting the criteria of this section will be permitted only if the property owner has:

(1) Installed an individual pumping facility at the structure to receive the building sewage. The pumping facility shall include a discharge pipe with a high point which meets the criteria above; or,

(2) Installed a sewer backflow stop or flap of such nature and design to provide gravity flow to the sanitary sewer system and to prevent sewage backflow into the property improvement.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.052 DESIGN AND INSTALLATION.

(A) 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 sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway.

The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and testing by the Superintendent, to meet all requirements of this chapter. Permit and inspection fees for new buildings using existing building sewers shall be the same as for new building sewers. If additional sewer customers are added to the old building sewers, additional sewer tap fees shall be charged accordingly even though no new sewer tap is actually made into the city system.

(C) Extension of customer service lines from any point on the customers side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted unless special approval is obtained from the city.

(D) The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM D-3034, latest revision, unglazed clay sewer pipe, ASTM C-261, latest revision, vitrified clay sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet requirements of State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. In the latter case, vitrified clay pipe may be used. Cast iron soil pipe or ductile iron pipe may be required by the city where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

(E) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the local and state building and plumbing codes and other applicable rules and regulations of the city.

(F) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the city for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the city.

(G) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades 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.

(H) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel.

(I) The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the city shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the

building sewer at such point of connection with a saddle shall be in the upper quadrant to the main line of the public sewer. A neat workmanlike connection with a gasket, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface.

A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.

(J) All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code.

(K) All persons working on city sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to city sewers.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.053 INSPECTION.

(A) The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative. All connections shall be made gastight and watertight and verified by proper testing.

(B) All building sewers shall be smoke tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from building sewer or building drain and plumbing shall be located at test and repaired to stand repetition of smoke test without leakage. When smoke testing is completed, the temporary flow line plug shall be removed and a permanent water tight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

POLLUTANT DISCHARGE LIMITS

§ 53.065 GENERAL CONDITIONS.

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentration or quantities which will not harm either the sewers, wastewater treatment process or equipment, will maintain and protect water quality in the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Superintendent may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the Superintendent shall give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors.
(Ord. 477, passed 7-24-91)

§ 53.066 RESTRICTED DISCHARGES.

(A) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

(B) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, motels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

(C) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants which: injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, causes the city to violate the terms of its KPDES Permit, prevents the use of acceptable sludge disposal methods, or to exceed the limitations set forth in a Categorical Pretreatment Standard.

(D) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable State or Federal Regulations.

(E) Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, from suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

(F) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the Industrial Wastewater Discharge Permit (IUP).

(G) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed to the extent required by the city's NPDES/KPDES Permit.

(H) Any waste(s) or wastewater(s) classified as a hazardous waste by the Resource Conservation and Recovery Act (RCRA) without a 60-day prior notification of such discharge to the Superintendent. This notification must include the name of the hazardous waste, the EPA hazardous waste number, type of discharge, volume/mass of discharge and time of occurrence(s). The Superintendent may prohibit or condition the discharge(s) at any time.

(I) Any water or wastes which have a concentration greater than 100 mg/l of oil and grease (total). Any person discharging wastewater exceeding this limit shall be subject to a surcharge fee for each pound loading over and above this limit. Exceeding of this limit shall not be deemed to constitute a violation of a permit condition or this chapter if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

(J) The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system subject to any compliance schedule as established in the Industrial Wastewater Discharge Permit. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations subject to any compliance schedule as established in the Industrial wastewater Discharge Permit. All significant industrial users must comply with these limitations where they are more stringent than applicable state or federal regulations.

<u>Parameter</u>	<u>Maximum Daily concentration (mg/l)</u>
Arsenic	0.18
Cadmium	0.06
Chromium	2.77
Chromium, Hexavalent	0.14
Copper	1.30
Cyanide, amendable	0.16
Iron	25.0
Lead	0.28
Mercury	0.001
Molybdenum	0.57
Nickel	2.89
Selenium	0.14
Silver	0.43
Zinc	2.61

(K) The city has received authority through the U.S. EPA and State Statutes to enforce the requirements of 40 CFR Subchapter N and 40 CFR Park 403. All users shall comply with the requirements of those regulations.

(L) The City Engineer and/or his or her designee may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of §§ 53.065 through 53.073.

(Ord. 477, passed 7-24-91; Am. Ord. 675, passed 9-14-99; Am. Ord. B2006-13, passed 6-6-06; Am. Ord. B2011-14, passed 8-23-11) Penalty, see § 53.999

§ 53.067 DILUTION OF WASTEWATER DISCHARGE.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute

for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the city or state.

(Ord. 477, passed 7-24-91) Penalty, see § 53.99

§ 53.068 GREASE, OIL, AND SAND INTERCEPTORS.

(A) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

(B) In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The city may require reporting of such information for their review. Any removal and hauling of the collected materials licensed waste disposal firms, interceptors shall also comply with applicable regulations of the County Health Department.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.069 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this chapter. Any industrial waster discharge which violates these EPA Pretreatment Standards shall be in violation of this chapter.

(B) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes. The industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities at their expense. The city may agree to assume these responsibilities if proper and appropriate arrangements for reimbursement of cost are made.

(C) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wished to discharge such waste to the public sewer system shall first have a valid Trucker's Discharge Permit. All applicants for a Trucker's Discharge Permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this chapter, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(D) It shall be illegal to discharge any batch liquid waste into any manhole or other part of the public sewer system, or any building sewer or other facility that discharges to the public sewer system, except at designated points of discharge specified by the city for such purpose.

(E) Any liquid waste hauler illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in § 53.999.

(F) Waste haulers who have been granted permission to discharge to the public sewer system shall pay fees for such discharge in accordance with a fee schedule established by the Superintendent and approved by the city.

(G) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with County Health Department, state, or federal regulations.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.070 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES.

(A) Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this chapter which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Once every two years, the Superintendent will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Superintendent determines that a slug control plan or revision is necessary, the plan shall contain the following:

- (1) Description of discharge practices
- (2) Description of stored chemicals
- (3) Procedures for notifying POTW
- (4) Prevention procedures for spills

In the case of all possible or actual accidental and/or slug discharges, it is the responsibility of the user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

(B) Written notice. Within five days following an accidental discharge, the user shall submit to the Superintendent a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage,

or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the Enforcement Response Plan or other applicable law.

(C) Notice to employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.071 STATE REQUIREMENTS.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this chapter. (Ord. 477, passed 7-24-91)

§ 53.072 CITY'S RIGHT OF REVISION.

The city reserves the right at the recommendation of the Superintendent to establish by majority vote of its Council, more stringent limitations, or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this chapter. (Ord. 477, passed 7-24-91)

§ 53.073 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. (Ord. 477, passed 7-24-91)

PRETREATMENT PROGRAM ADMINISTRATION

§ 53.085 WASTEWATER DISCHARGES.

(A) It shall be unlawful to discharge to the POTW any wastewater except as authorized by the city in accordance with the provision of this chapter.

(B) Any agency and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must first sign (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this chapter and state and federal regulations. An Industrial Wastewater Discharge Permit may then be issued by the Superintendent in accordance with § 53.086.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.086 INDUSTRIAL WASTEWATER DISCHARGE PERMITS.

(A) General. All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an Industrial Wastewater Discharge Permit before connecting to or contributing to the POTW. At the discretion of the City Engineer, the City Engineer may use general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially the similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;
- (4) Require the same or similar monitoring: and
- (5) In the opinion of the City Engineer, are more appropriately controlled under a general permit than under individual wastewater discharge permits.

(B) Permit application. Users required to obtain an Industrial Wastewater Discharge Permit shall complete and file with the city, an application in the form prescribed by the city, and accompanied by a permit fee. New users shall apply at least 90 days prior to connecting to or contributing to the POTW. Existing permit holder shall apply no later than 60 days prior to the expiration of permit. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

- (1) Name, address, and location if different from the address;
- (2) SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;
- (3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
- (4) Time and duration of contribution;
- (5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

(7) Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharge;

(8) Where known, the nature and concentration of any pollutants in the discharge which are limited by the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

(9) If additional pretreatment will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:

(a) The schedule must be acceptable to the city.

(b) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

(c) Not later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Superintendent including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress and the reason for delay, and the steps being taken by the user to return the construction to the schedule established.

(10) Each product produced by type, amount, process or processes, and the rate of production;

(11) Type and amount of raw materials processed (average and maximum per day);

(12) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(13) Any other information as may be deemed by the city to be necessary to evaluate the permit application.

(14) A copy of the industry's written environmental control program, comparable document, or policy.
(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11)

§ 53.087 ISSUANCE.

(A) The City Engineer shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Engineer or his or her designee may issue an industrial wastewater discharge permit subject to terms and conditions provided herein.

(B) The City Engineer shall provide public notice of the issuance of the industrial wastewater discharge permits. Any person, including the user, may petition the City Engineer 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.

(3) The effectiveness of the permit shall not be stayed during the appeal.

(4) If the City Engineer fails to act within thirty (30) days of receipt of the appeal, 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 Nelson County Circuit Court in accordance with the appropriate procedures of that court and any statute of limitations.

(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11)

§ 53.088 PERMIT MODIFICATIONS.

The City Engineer may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:

(A) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

(B) 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;

(C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(D) Information indicating that the permitted discharge poses a threat to the POTW, personnel, biosolids disposal and/or the receiving stream;

(E) Violation of any terms or conditions of the industrial wastewater discharge permit;

(F) Misrepresentations of failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

(G) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13; or

(H) To correct typographical or other errors in the discharge permit. (Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11) Penalty, see § 53.999

§ 53.089 PERMIT CONDITIONS.

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. The City Engineer 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 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 shall 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, and affording city access thereto as required by 40 CFR 403:12(o)(2);

(I) Requirements for notification of the City Engineer or 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 for all expenses related to monitoring, sampling and testing performed at the direction of the City Engineer and deemed necessary by the city to verify that the user is in compliance with said permit.

(L) Other conditions as deemed appropriate by the city to ensure compliance with this chapter.

(M) Requirements to control slug discharge, if determined by the City Engineer, to be necessary.

(N) 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. (Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11)

§ 53.090 ALTERNATIVE DISCHARGE LIMITS.

(A) Where an effluent from categorical industrial process(es) is mixed prior to treatment with wastewater other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Superintendent. These alternative limits shall be applied to the mixed effluent and shall be calculated using the Combined Wastestream Formula and/or Flow-Weighted Average Formula as defined in §§ 53.01 through 53.02.

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

(C) All categorical users subject to production-based standards must report production rates annually so that alternative permits can be calculated if necessary. The categorical user must notify the Superintendent 30 days in advance of any major change in production levels that will affect the limits for the discharge permit.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.091 PERMIT DURATION.

Permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in §§ 53.0 are modified or other just cause exists. The user shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(Ord. 477, passed 7-24-91)

§ 53.092 PERMIT TRANSFER.

Industrial Wastewater Discharge Permits are issued to a specific user for a specific operation. An Industrial Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without a 30-day prior notification to the Superintendent and provision of a copy of the existing permit to the new owner. The Superintendent may deny the transfer of the permit if it is deemed necessary.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.093 COMPLIANCE DATA REPORTING.

(A) Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to Federal Categorical Pretreatment Standards and Requirements shall submit, to the Superintendent, 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 Pretreatment Standards or Requirements. The report shall state whether the applicable Categorical Pretreatment Standards or 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.

(B) Where compliance schedules are required, the following conditions shall apply:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the City Engineer no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11) Penalty, see § 53.999

§ 53.094 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall submit, to the City Engineer, every six months (on dates specified in the Industrial Wastewater Discharge 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 the discharge permit. The report shall also include the chain-of-custody (COC) forms, field data and any other information required by the City Engineer. In addition, this report shall include a record of all daily flows which during the reporting period exceeded the average daily flow. At the discretion of the City Engineer and in consideration of such factors as local high or low flow rates, holidays, budget cycles, and the like, the City Engineer may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with 40 CFR 403.12 and § 53.102.

(1) The city 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 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 as given in 40 CFR 403.12(e)(2).

(B) All wastewater samples must be representative of the user's discharge. All analyses shall be performed by a laboratory acceptable to the City Engineer. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136 and amendments thereto 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 U.S. EPA Administrator.

(C) Where 40 CFR Part 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 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 City Engineer by all categorical industrial users 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 chapter 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.

(6) Compliance certification. A statement reviewed by the user's authorized representative as defined in § 53.002 and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest

schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 53.093.

(E) Compliance schedule progress reports: the following conditions shall apply to all compliance schedules required by this chapter:

(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards.

(2) No increment referred to above shall exceed nine (9) months.

(3) The user shall submit a progress report to the City Engineer no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule: and in no event shall more than nine (9) months elapse between such progress reports to the City Engineer.

(F) 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 ordinance, 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 City Engineer.

(G) New sources shall give estimates of the information requested in divisions (D)(3) and (D)(4) of this section, but at no time shall a new source commence discharge to the public sewer with known substances that do not meet 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.

(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11) Penalty, see § 53.999

§ 53.095 PERMIT VIOLATIONS.

(A) All significant industrial users must notify the Superintendent within 24 hours of first becoming aware of a permit violation. This notification shall include the date of violation, the parameter violated and the amount in exceedance.

(B) The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Superintendent within 30 days after becoming aware of the violation. Exception to this regulation is only if the city performs the sampling within the same time period for the same parameter(s) in question.

(C) Compliance with the terms of an Industrial Wastewater Discharge Permit shall be deemed in compliance with the terms of this chapter. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.096 MONITORING.

(A) (1) The city may require significant users to provide and operate, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage system. The monitoring facility should normally be situated on the user's premises, but the city may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Superintendent shall review and approve the location, plans, and specifications for such monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(1) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility shall be designed and maintained in a manner such that the safety of city and industrial personnel shall be foremost. The facility, sampling, and measuring equipment shall be maintained at all times in a proper operating condition at the expense of the user.

(2) 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 within 90 days following approval of the location, plans and specifications.

(B) All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period shall be submitted to the Superintendent regardless of whether or not that analysis was required by the industrial user's discharge permit.

(C) The industrial user must receive the approval of the Superintendent before changing the sampling point and/or monitoring facilities to be used in all required sampling.
(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.097 INSPECTION AND SAMPLING.

(A) The city shall inspect the facilities of any user to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the city or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, copying records, records examination or in the performance of any of their duties.

(B) The city, approval authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper

identification and clearance before entry into their premises, the user shall make necessary arrangements for their security guards so that upon presentation of suitable identification, personnel from the city, approval authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.098 PRETREATMENT.

All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this chapter. Any facilities required to pretreat wastewater to a level required by this chapter shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.
(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.099 ANNUAL PUBLICATION.

(A) The city shall annually publish in a newspaper of local circulation 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 12 months.

(B) All records relating to the city's pretreatment program shall be made available to officials of the EPA or approval authority upon request. All records shall be maintained for a minimum of three years in accordance with 40 CFR 403.12(0)(2).
(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.100 SIGNIFICANT NON-COMPLIANCE.

An industrial 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 exercise of emergency authority;

(B) Involves failure to report noncompliance accurately;

(C) Results in a chronic violation defined here as 66% or more of all measurements taken during a six-month period that exceed (by any magnitude) the daily maximum limit or the 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 each 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 O&G and 1.2 for all other pollutants except pH).

(E) Any violation of a pretreatment effluent limit that the City Engineer/Pretreatment Coordinator 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 City Engineer's/Pretreatment Coordinator'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 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.

(J) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Subchapter N, 40 CFR 403, and 40 CFR 35. All users shall comply with the requirements of those regulations.

(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11) Penalty, see § 53.999

§ 53.101 CONFIDENTIAL INFORMATION.

(A) Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests in writing and is able to demonstrate to the satisfaction of the city that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the user.

(B) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available to all governmental agencies for uses related to this chapter, the NPDES/KPDES Permit, Sludge Disposal System Permit and/or the pretreatment programs upon written request. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics shall not be recognized as confidential information and shall be available to the public without restriction.

(Ord. 477, passed 7-24-91)

§ 53.102 SIGNATORY REQUIREMENTS.

All applications, reports or information submitted to the city shall be signed and certified in accordance with the following requirements. Written designation of the signatory official must be received by the City Engineer 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; or

(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 specified 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 certification:

"I certify under penalty of law that 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."

(D) Annual certification for non-significant categorical industrial users. A facility determined to be a non-significant categorical industrial user by the City Engineer must annually submit the certification statement in accordance with 40 CFR 403.12.

(E) Certification of pollutants not present. Users that have an approved monitoring waiver based on § 53.094 must certify at least semi-annually that there has been no increase in the pollutant in its wastestream due to activities of the user. This certification statement is as given in 40 CFR 403.12(e)(2)(v).
(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11)

FEES AND CHARGES

§ 53.115 PURPOSE.

This subchapter provides for the recovery of costs from users of the POTW for the implementation of the program established herein.
(Ord. 477, passed 7-24-91)

§ 53.116 CHARGES AND FEES.

The city may adopt charges and fees which may include:

- (A) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (B) Fees for monitoring, inspections, and surveillance procedures;
- (C) Fees for reviewing accidental discharge procedures and construction;
- (D) Fees for permit applications;
- (E) Fees for filing appeals;
- (F) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (G) Other fees as the city may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city. All fees and charges not specifically established herein will be set by the Superintendent and will be based on an annual review of the cost incurred by the city to carry out the requirements contained herein.
(Ord. 477, passed 7-24-91)

§ 53.117 CONNECTION FEES.

(A) For each connection to the public sewer a tap-on fee shall be paid to the city with the application for a building sewer permit. In addition to the tap-on fee, persons obtaining an Industrial Wastewater Discharge Permit shall reimburse the city for the actual cost of all testing required to evaluate the industrial effluent.

(B) The connection fee for multiple unit residential and commercial buildings shall be by the prevailing charge as given in this section for the first unit and one-half the prevailing fee for each additional unit under the same roof. Tap-on fees are established as follows:

\$150 tap-on fee inside the city limits

\$200 tap-on fee outside the city limits

(Ord. 477, passed 7-24-91; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. B2009-11, passed 6-24-09)

§ 53.118 DEPOSIT.

Each single residential unit or multiple-residential unit shall tender to the city, with the application for any utility connection, a deposit as set forth in the rate table below. These rates apply to residential customers only. Deposits for commercial establishments will be determined at the time of application for utilities which shall be in the sum equivalent to six weeks' billing for all connected utility services. The deposit shall be retained by the city and if necessary, upon termination of service, applied towards payment of any delinquent balances or refunded to the user (residential or commercial) after two years, provided all balances have been kept current during the two years and no checks were returned for any reason during that period. Persons presently on city utilities who move to another residence on city utilities will not be required to update their deposit, provided their paying record meets the criteria set forth above. Persons who have received their refund and moved to another residence on city utilities will not be required to make a new deposit. Persons disconnected for nonpayment who have been previously refunded their deposit will be required to increase their deposit to these new amounts.

<u>Deposits</u>	<u>Owner Fee</u>	<u>Renter Fee</u>
Electric	\$80	\$120
Water	\$30	\$45
Sewer	\$40	\$45

(Ord. 477, passed 7-24-91; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. 789, passed 10-14-03; Am. Ord. B2006-11, passed 6-6-06)

§ 53.119 TRUCKER'S DISCHARGE FEES.

The annual fee for a sewer Trucker's Discharge Permit is \$100. Truckers who haul septic tank sludge and dump in the city system shall be charged \$16.00 per load for up to 1,000 gallons, and \$1.60 per 100 gallons for all over 1,000 gallons per load. All trucks shall be considered to be fully loaded for purposes on assessing charges.

(Ord. 477, passed 7-24-91; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. B2006-11, passed 6-6-06; Am. Ord. B2009-11, passed 6-24-09; Am. Ord. B2011-11, passed 6-28-11)

§ 53.120 USER FEES.

All persons discharging wastewater into the sewerage system shall be charged for the use of such facilities. The charges shall be assessed monthly either by class or by quantity and quality of wastewater, at the discretion of the city, and shall be a combination of debt service charge and OM&R charge as described below. The charges for those renters who do not have either a city water or electric account for the address being served shall be billed to and paid by the landlord.

(Ord. 477, passed 7-24-91; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. B2006-11, passed 6-6-06; Am. Ord. B2012-16, passed 8-14-12)

§ 53.121 DEBT SERVICE, DEPRECIATION AND MINIMUM USAGE CHARGE.

All users of the sewerage system shall be assessed a monthly debt service charge per user and a debt service charge for flow. All flow charges shall be based on water meter readings except for industrial users having approved flow measuring and recording devices installed in control manholes. Those industrial users shall be assessed flow charges on the basis of measured wastewater flow. The following service rates are hereby established:

Debt Service - All Customers

Per Customer Fee - \$6.50/month

Debt Service Rate for Flow - \$0.36/1,000 gallons

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98, Am. Ord. 669, passed 6-22-99; Am. Ord. B2006-11, passed 6-6-06)

§ 53.122 OM&R CHARGES; DOMESTIC WASTEWATER AND COMMERCIAL WASTEWATER.

(A) The city shall assess a standard charge per unit volume of metered water for all residential users and other users who produce wastewater which does not differ significantly from normal domestic wastewater. The standard unit charge shall be based on a standard concentration of BOD and suspended solids as established by the city, a wastewater/water ratio of 90%, and the proportionate costs of operation, maintenance and equipment replacement costs of the sewerage

facilities. The city shall review the standard charge annually and shall revise it periodically to reflect actual costs of operation and maintenance. The OM&R charge shall be \$1.81 per thousand gallons of metered water for the domestic and commercial wastewater user class.

(B) For multiple unit residential and commercial buildings where each unit does not have separate metering devices, the owner shall be responsible to pay for sewer service according to the rates as listed above for metered consumption and further pay monthly minimum sewer charges for each unit after the first unit. The monthly minimum sewer charges for each unit may be paid by owner or tenant as requested by the owner, provided the tenant has a city water or electric account on to which the minimum sewer charge can be placed.

(C) (1) Customers Outside City Limits. The city shall assess all users (residential, commercial, and industrial) located outside the city limits charges proportional to the cost for OM&R of the transportation system to cover the cost incurred in delivering the wastewater to the city limits and the Bardstown WWTP. These fees shall be based on the volume of water used and shall be in addition to any other fees noted in this chapter. The OM&R user fees determined for services provided outside the city limits shall be evaluated annually and the fees adjusted as needed to recover cost incurred. The following monthly OM&R rates are hereby established for discharges located outside the city limits.

(2) Outside City Area OM&R Rate - All Customers.

Outside Service Fee for Flow - \$0.36/1,000 gallons

*(3) As an interim measure, increase total effective rates for county customers to the following, overriding § 53.121 and divisions (A), (B), (C) (2) and (D) of this section and § 53.123 for all bills mailed after September 1, 2011 until (C) (3) is later replaced:

For the first 2,000 gallons	A minimum bill of \$18.94
For each additional 1,000 gallons	A rate of \$5.66 per 1,000 gallons

(D) Composite Base Domestic/Commercial Rate Table. The rates and charges for domestic/commercial sewer service shall be based insofar as possible upon the quantity of water supplied to the respective premises as noted in §§ 53.120 - 53.122 of this chapter. A minimum monthly user fee shall be established for all users at 2,000 gallons and base rates for both in town and out of town users shall be assessed as noted in the table below:

[Table begins on next page]

Domestic/Commercial Base Rate Schedule

Customers Located Inside City Limits

<u>Water Consumption</u>	<u>Base Debt Service</u>	<u>/1,000 gal Debt Service</u>	<u>OM&R Charge</u>	<u>Combined Base Rate</u>
Base Minimum/ 2,000 gal minimum	\$6.50	\$0.36	\$3.62	\$10.48 (*)\$17.25
Over Minimum/ 1,000 gal	---	\$0.18	\$1.81	\$1.99 (*)\$4.34

Customers Located Outside City Limits

<u>Water Consumption</u>	<u>Base Debt Service</u>	<u>/1,000 gal Debt Service</u>	<u>OM&R Charge</u>	<u>Combined Base Rate</u>
Base Minimum/ 2,000 gal minimum	\$6.50	\$0.36	\$4.40	\$11.26 minimum (*)\$18.94
Over Minimum/ 1,000 gal	---	\$0.18	\$2.20	\$2.38 (*)\$5.66

(E) As an interim measure, increase the total effective composite base domestic/commercial/industrial rate for in-town customers to \$17.25 for the base minimum (2,000 gallons per month) and to \$4.34 per 1,000 gallons, overriding conflicting provisions of § 53.121, divisions (A), (B) and (D) of this section and § 53.123, for all bills mailed after September 1, 2011 and until this division (E) is amended.

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 669, passed 6-22-99; Am. Ord. 674, passed 9-14-99; Am. Ord. B2006-11, passed 6-6-06; Am. Ord. B2009-11, passed 6-24-09; Am. Ord. B2011-11, passed 6-28-11; Am. Ord. B2012-16, passed 8-14-12)

§ 53.123 INDUSTRIAL OM&R CHARGE.

(A) The city shall assess users, who discharge wastewater that differs significantly from domestic wastewater, charges proportionate to the quantity and quality of wastewater discharged. The quantity and quality of the wastewater shall be monitored and analyzed in a manner and at a frequency acceptable to the city, but not less than annually. Separate rates of charge shall be established by the city for costs related to flow volume, BOD, suspended solids, ammonia-nitrogen and for any other parameter established by the city. The following ceiling limits are established: for BOD 1,400 mg/l (milligrams per liter), for TSS 1,400 mg/l, and for Ammonia 140 mg/l. The following monthly OM&R charge rates are hereby established for discharges to the public sewer:

Industrial Rate Schedule

Customers Located Inside City Limits

Discharge	Base Debt Service	/1,000 gal Debt Service	OM&R Charge	Minimum Charge
Base Minimum/ 2,000 gal	\$6.50	\$0.36	\$3.62	\$10.48/ per month (*)\$17.25
Over Minimum/ 1,000 gal	---	\$0.18	\$1.81	\$1.99/ per 1,000 gal (*)\$4.34
BOD Loading/pound				
If less than 700 mg/l	---	---	---	\$0.1834/per pound
If 700 to 1,400 mg/l	---	---	---	\$0.2751/ per pound
If more than 1,400 mg/l	---	---	---	\$0.3668/per pound
TSS Loading/pound				
If less than 700 mg/l	---	---	---	\$0.2583/per pound
If 700 to 1,400 mg/l	---	---	---	\$0.3875/ per pound
If more than 1,400 mg/l	---	---	---	\$0.5166/per pound
Ammonia/Loading				
If less than 700 mg/l	---	---	---	\$0.9518/per pound

Customers Located Outside City Limits

<u>Discharge</u>	<u>Base Debt Service</u>	<u>/1,000 gal Debt Service</u>	<u>OM&R Charge</u>	<u>Minimum Charge</u>
If 700 to 1,400 mg/l	---	---	---	\$1.4227/ per pound
If more than 1,400 mg/l	---	---	---	\$1.9036/per pound

Customers Located Outside City Limits (Cont'd)

<u>Discharge</u>	<u>Base Debt Service</u>	<u>/1,000 gal Debt Service</u>	<u>OM&R Charge</u>	<u>Minimum Charge</u>
Base Minimum/2,000 gal	\$6.50	\$0.36	\$4.40	\$18.94/per month
Over Minimum/1,000 gal	---	\$0.18	\$1.81	\$5.66/per 1,000 gal
BOD Loading/pound				
If less than 700 mg/l	---	---	---	\$0.1834/per pound
If 700 to 1,400 mg/l	---	---	---	\$0.2751/per pound
If more than 1,400 mg/l	---	---	---	\$0.3668/per pound
TSS Loading/pound				
If less than 700mg/l	---	---	---	\$0.1495/per pound
If 700 to 1,400 mg/l	---	---	---	\$0.2583/per pound
If more than 1,400 mg/l	---	---	---	\$0.3875/per pound
If more than 1,400 mg/l	---	---	---	\$0.5166/per pound
Ammonia>Loading				
If less than 700 mg/l	---	---	---	\$0.9518/per pound
If 700 to 1,400 mg/l	---	---	---	\$1.4227/per pound
If more than 1,400 mg/l	---	---	---	\$1.9036/per pound

(Ord. 477, passed 7-24-91; Am. Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. 669, passed 6-22-99; Am. Ord. 674, passed 9-14-99; Am. Ord. B2006-11, passed 6-6-06; B2006-27, passed 10-24-06; Am. Ord. B2009-11, passed 6-24-09; Am. Ord. B2011-11, passed 6-28-11)

§ 53.124 OIL AND GREASE SURCHARGE.

There shall be a surcharge fee of \$0.4031 per pound for oil and grease (total) in excess of 100 mg/l.
(Ord. 477, passed 7-24-91; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. B2006-11, passed 6-6-06; B2006-27, passed 10-24-06)

§ 53.125 BILLING.

(A) The obligation to provide electricity, water, sewer, garbage and sanitation services is closely related to the general welfare, health, safety, and protection of the lives and property of the people of the city. The failure of such services constitutes a hindrance to the protection of the lives and property of the citizens of the city. Therefore, the officer in responsible charge is authorized and directed to render and collect under his or her supervision all electric, water, sewer, and garbage charges and bills and to present the bills and charges for electricity, water, sewer, and garbage services simultaneously each month to all electric, water, sewer, and garbage customers, each bill showing each separate item. All bills for electricity, water, sewer, and garbage service shall be paid by the final date shown on such bills, and all accounts not paid by such time shall be subject to discontinuance of all electricity, water, sewer and garbage services.

(B) All customers will be billed monthly as specified in § 55.05.

(C) The officer in responsible charge is hereby authorized to discontinue the furnishing of electricity, water, sewer, garbage and refuse and rubbish disposal services to any customer who is in default of the payment of the charges set forth on any bill for any of these services, as outlined above.
(Ord. 477, passed 7-24-91; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98; Am. Ord. 789, passed 10-14-03; Am. Ord. B2006-11, passed 6-6-06; Am. Ord. B2015-09, passed 4-28-15)

§ 53.126 FINANCIAL MANAGEMENT SYSTEM.

(A) The revenues collected as a result of the user charges levied shall be deposited in a separate non-lapsing fund known as the Operation, Maintenance and Replacement Fund.

(B) Fiscal year-end balances in the Operation, Maintenance and Replacement Fund shall be used for no other purposes than those designated. Monies which have been transferred from other sources to meet temporary shortages in the Operation, Maintenance and Replacement fund shall be returned to their respective accounts upon appropriate adjustment of the user charge rates for operation, maintenance and replacement. The user charge rate(s) shall be adjusted such that the transferred monies shall be returned to their respective accounts within six months of the fiscal year in which the monies were borrowed.

(C) The city shall maintain financial records to accurately account for revenues generated by the treatment system and expenditures for operation and maintenance of the system, including normal replacement costs.

(D) The city shall review, not less often than annually, the wastewater contributions of users, the total cost of OM&R of the wastewater works, debt service obligations, and user charge rates. Based on such review, the city shall revise, when necessary, the schedule of user charge rates to accomplish the following:

(1) Maintain an equitable distribution of OM&R costs among users of the treatment system; and,

(2) Generate sufficient revenues to offset costs associated with the proper operation, maintenance, and replacement of the system and to meet debt service requirements.

(3) Excessive strength surcharge rates shall be reviewed at the time of, and in conjunction with, the review of the user charges. Surcharge rates shall be revised, where necessary, to reflect the current treatment and monitoring costs of the system.

(4) Each user shall be notified, at least annually, in conjunction with a regular bill of the rate and that portion of the total charge which is attributable to OM&R of the wastewater system. (Ord. 584, passed 5-23-95; Am. Ord. 628, passed 6-24-97; Am. Ord. 650, passed 6-23-98)

§ 53.127 SYSTEM DEVELOPMENT CHARGES.

(A) For the purpose of this section the following definitions shall apply unless the context indicates or clearly requires a different meaning.

"APARTMENT CUSTOMER." A residential construction which contains more than one unit. The term "APARTMENT CUSTOMER" shall include condominium customers and townhouse customers.

"COMMERCIAL CUSTOMER." Those locations engaged in wholesale or retail trade, public business, processing, manufacturing, offering services, and any other trades or occupations. Further multiple unit dwellings where electricity is measured through one meter or a house meter shall be deemed commercial.

"INDUSTRIAL CUSTOMER." Those locations engaged in heavy industry, institutional, public, or large commercial power users which require primary metering.

"RESIDENTIAL CUSTOMER." Those locations occupied and used principally as a single-family dwelling.

"HIGH VOLUME CUSTOMER." A commercial or industrial customer which projects water and/or wastewater use in excess of 40,000 gallons per month, said use being certified by a licensed engineer.

(B) Anyone applying for a building permit, or requesting water and/or wastewater service, or an upgrade and/or increase of water and wastewater services, that did not exist at the effective date of this section, within the city's Water and Wastewater Utility jurisdiction shall pay to the city as a system development charge the following amounts:

- (1) WATER
\$100.00/per 1,000 gallons of usage (as estimated for assessment)
- (2) SEWER
\$150.00/per 1,000 gallons of usage (as estimated for assessment)
- (3) HIGH VOLUME CUSTOMER

<u>(Gallons per Month)</u>	<u>Charge per 1,000 gallons per month</u>	
	<u>Water</u>	<u>Sewer</u>
First 40,000 or less	\$100	\$150

Next 60,000	\$90	\$130
Next 100,000	\$80	\$110
All over 200,001	\$70	\$90

The maximum water and wastewater system development charges payable by a high volume customer shall be \$20,800 for water and \$29,200 for sewer, or \$50,000 for both. High volume customers shall be granted a reduction of 1% of the above charge for each new industrial job created in the city as certified by the President of the Bardstown Industrial Development Corporation or its successor after the first 25 new jobs. The reduction shall not reduce the charge below \$10,400 for water, \$14,600 for sewer, or \$25,000 for water and sewer combined.

(C) For the purpose of assessing the system development charge, the following estimates of usage will be utilized:

	<u>WATER</u>	<u>SEWER</u>
(1) Residential Customer	4,000 gal/per mo.	4,000 gal/per mo.
(2) Apartment Customer(per unit)	2,000 gal/per mo.	2,000 gal/per mo.
(3) Commercial and/or		
(4) Industrial Customer	Estimated usage will be certified by a licensed engineer	Estimated usage will be certified by a licensed engineer

(D) In addition to the system development charge for new water and/or wastewater connections set out in this section, all new connections shall continue to be subject to all applicable charges and fees existing at the time of adoption of this section unless otherwise modified by the city.

(E) No occupancy shall be permitted and no service shall be provided until all fees, including the system development charge, have been paid in full to the city.

(F) All system development charge's collections shall have a separate accountability and expenditures therefrom shall be primarily related to, but not by way of limitation, either directly or indirectly to treatment plants, storage facilities, pump stations, and/or transmission lines.

(Ord. 800, passed 3-9-04; Am. Ord. B2005-35, passed 12-23-05; Am. Ord. B2006-11, passed 6-6-06; Am. Ord. B2006-24, passed 8-8-06)

POWERS AND AUTHORITY OF INSPECTORS

§ 53.135 RIGHT TO ENTER PREMISES.

The Superintendent and other duly authorized employees and representatives of the city and authorized agencies bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharges to the public sewer system in accordance with the provisions of this chapter.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.136 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

Duly authorized employees of the city and representatives of the state and EPA are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. 477, passed 7-24-91)

§ 53.137 ACCESS TO EASEMENTS.

Duly authorized employees and representatives of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purpose of, but not limited to, construction, inspection, observation, measurement, sampling, repair, and maintenance of any portions of the wastewater facilities lying within said easement.

All entry and subsequent work, if any on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.138 SAFETY.

While performing the necessary work on private properties referred to in § 53.137, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by the owner. If the owner's safety rules are not followed then the owner shall be

held harmless for injury or death to city employees. The city shall secure the owner against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the owner to maintain safe conditions as required by this chapter. (Ord. 477, passed 7-24-91) Penalty, see § 53.999

ENFORCEMENT

§ 53.150 GENERAL PROVISIONS.

(A) The city, through the Superintendent or their designee, to insure compliance with this chapter, and as permitted through 40 CFR Subchapter N, and 401 KAR 5:055, may take the following enforcement steps against users in non-compliance with the chapter. The remedies available to the POTW include injunctive relief, civil and criminal penalties, immediate discontinuance of discharges and/or water service and the publishing of the list of significant violators annually. The enforcement authority shall be vested in the Superintendent or their designee.

(b) The Superintendent may suspend the wastewater treatment service and/or an Industrial Wastewater Discharge Permit when such suspension is necessary, in the opinion of the city, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the city to violate any condition of its NPDES/KPDES Permit.

(C) Any user notified of a suspension of the wastewater treatment service and/or the Industrial Wastewater Discharge Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the Industrial Wastewater Discharge Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge.

A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrences shall be submitted to the city within 15 days of the date of occurrence.

(Ord. 477, passed 7-24-91)

§ 53.151 NOTICE OF VIOLATION.

(A) Any user found to be violating any provisions of this chapter, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violations and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such

notice, permanently cease all violations. Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the

satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Superintendent. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the Notice of Violation.

(B) For all violations, the Superintendent shall receive an explanation and, as appropriate, a plan from the industrial user to correct a violation within a specific time period. If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant non-compliance as defined in § 53.100 will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the Enforcement Response Plan.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.152 ADMINISTRATIVE ORDERS.

(A) Any user who after receiving a Notice of Violation shall continue to discharge in violation of this chapter or other pretreatment standards or requirement or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the city. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed.

The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

(B) The administrative order may take any of the following three forms:

(1) Consent orders. The Superintendent or their designee is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the industrial user responsible for the noncompliance. Such orders will include specific action to be taken by the industrial user to correct the noncompliance within a time period also specified by the order. Consent Orders shall have the same force and effect as orders issued pursuant to division (B) (3) of this section.

(2) Compliance orders. When the Superintendent or their designee finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, he may issue

an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional selfmonitoring, and management practices.

(3) Cease and desist orders. When the Superintendent finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:

(a) Comply forthwith, or

(b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.153 SHOW CAUSE HEARING.

(A) The Superintendent or their designee may issue to any user who causes or contributes to cause violations of this chapter, wastewater permit or order issued hereunder, an order to appear and show cause why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Superintendent regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause, before the Superintendent, why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of the industrial user. Whether or not a duly notified industrial user or its representative appears, immediate enforcement action may be pursued.

(B) The city may, itself, conduct the hearing and take the evidence or designate a representative to;

(1) Issue, in the name of the city, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearing;

(2) Take the evidence; and

(3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the city for action thereon.

(C) At any hearing held pursuant to this chapter, testimony taken

must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(D) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(Ord. 477, passed 7-24-91)

§ 53.154 ADDITIONAL ENFORCEMENT REMEDIES.

(A) Performance bonds. The Superintendent may decline to reissue a permit to any industrial users which has failed to comply with the provision of this chapter or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the Superintendent to be necessary to achieve consistent compliance.

(B) Liability insurance. The Superintendent may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

(C) Water supply severance. Whenever an industrial user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated consistent compliance.

(D) Public nuisances. Any violation of the prohibitions or effluent limitations of this chapter or permit or order issued hereunder is hereby declared a public nuisance and shall be corrected or abated as directed by the Superintendent or his designee. Any person (s) creating a public nuisance shall be subject to the provisions of the § 135.05 (4) governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

(E) Informant rewards. The Superintendent is authorized to pay up to \$500 for information leading to the discovery of noncompliance by an industrial user. In the event that the information provided results in an administrative fine or civil penalty, levied against the user, the Superintendent is authorized to disperse up to 10% of the collected fine or penalty to the informant.

(F) The remedies provided for in this chapter are not exclusive. The City Engineer may take any, all, or combination of these actions

against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's Enforcement Response Plan. However, the City Engineer may take other action against any user when the circumstances warrant. Further the City Engineer is empowered to take more than one enforcement action against any noncompliant user.

(G) Contractor listings.

(1) Industrial users which have not achieved consistent compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the city.

(2) Existing contracts for the sale of goods or services to the city held by an industrial user found to be in significant noncompliance with pretreatment standards may be terminated at the discretion of the municipality.

(Ord. 477, passed 7-24-91; Am. Ord. B2011-14, passed 8-23-11)

§ 53.155 WRITTEN NOTICE.

(A) Any user found to be violating any provision of this chapter or a wastewater permit or order issued hereunder, shall be served by the Superintendent or their designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

(B) As contained in § 53.151, the notice may be of several forms. Also as contained in § 53.151, penalties of various forms may be levied against users for violation of this chapter. The penalties, if levied, shall range from publication of violators in the local newspaper to fines of up to \$1,000 per day per violation.

(Ord. 477, passed 7-24-91) Penalty, see § 53.999

§ 53.999 PENALTY.

(A) Any user violating any of the provisions of this chapter or a wastewater permit order issued hereunder, may be subject to termination of its authority to discharge sewage into the municipal sewer system. Such termination may be immediate if necessary for the protection of the POTW. The user may also have water service terminated.

(B) Any user who violates the following conditions of this chapter, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of this chapter:

(1) Failure of a user to factually report the wastewater constituents and characteristics of his discharge;

(2) Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;

(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,

(4) Violation of conditions of the permit.

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

(D) Legal action. If any person discharges sewage, industrial wastes or other wastes into the city's wastewater disposal system contrary to the provisions of this chapter, federal or state pretreatment requirements or any order of the city, the city may commence an action for appropriate legal and/or equitable relief in the appropriate Court of this jurisdiction.

(E) Injunctive relief. Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Superintendent, through legal counsel may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user. The Superintendent shall have such remedies to collect these fees as it has to collect other sewer service charges.

(F) Civil penalties.

(1) Any industrial user who has significantly violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the Superintendent for a civil penalty of not more than \$5,000 per day plus actual damages incurred by the POTW per violation per day for as long as the violation continues. Each day in which such violation shall continue shall be deemed a separate offense. In addition to the above described penalty and damages, the Superintendent may recover reasonable attorney's fees, court costs, court reporter's fees, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The Superintendent may petition the Court to impose, assess and recover such sums. In determining amount of liability, the Court shall take into account 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 factor as justice requires.

(G) Criminal prosecution.

(1) Violations - general.

(a) Any industrial user who willfully or negligently violates any provision of this chapter or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed \$5,000 per violation per day or imprisonment for not more than one year or both.

(b) Any industrial user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or Industrial Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall be punished by a fine of not more than \$5,000 or by imprisonment for not more than 12 months, or by both.

(c) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000 per violation per-day or imprisonment for not more than three years or both.
(Ord. 477, passed 7-24-91)

