

## **CHAPTER 51: SEWERS**

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**GENERAL PROVISIONS****51.001 PURPOSE; POLICY.**

(A) 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 or the atmosphere or otherwise be incompatible with the system;

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

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

(B) This chapter provides for the regulation of direct and indirect contributors 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.

(C) This chapter shall apply to persons outside the City of Shelbyville who are, by contract or agreement with the Municipal Water and Sewer Commission users of the Municipal Water and Sewer Commission Publicly Owned Treatment Works (POTW). Except as otherwise provided herein, the Manager of the Municipal Water and Sewer Commission POTW shall administer, implement, and enforce the provisions of this chapter.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

#### ' 51.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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.

**AUTHORIZED REPRESENTATIVE.** An authorized representative of user may be:

(A) A principal executive officer of at least the level of vice president, if the industrial user is a corporation;

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

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

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

**BIOCHEMICAL OXYGEN DEMAND (BOD).** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20EC expressed in terms of weight and concentration 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, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the 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 extension.

**BUILDING SEWER PERMIT.** As set forth in Building Sewers and Connections ( ' ' 51.045 through 51.048).

**BYPASS.** The intentional diversion of wastestreams from any portion of an industrial user=s treatment facility.

**CATEGORICAL STANDARDS.** National Categorical Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with ' 307(b) and (c) of the Act (33 U.S.C. ' 1317) which applies to a specific category of industrial users.

**CITY.** The City of Shelbyville, Kentucky, or its City Council having responsibility as owner of the POTW.

**COMBINED WASTESTREAM FORMULA.** Where process effluent is mixed prior to treatment with wastewaters other than those generated by the regulated process; fixed alternative discharge limits may be derived by the Control Authority as defined in 40 C.F.R. pt. 403.12(a).

**COMMISSION.** The Shelbyville Municipal Water and Sewer Commission as created by ordinance of the city, enacted March 11, 1993.

**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 the pollutants and, in fact, does treat the pollutants to the degree required by the POTW=s NPDES/KPDES permit.

**COMPOSITE WASTEWATER SAMPLE.** A combination of individual samples of water or wastewater taken at selected intervals, generally hourly for some specified period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at time of sampling.

**CONTROL AUTHORITY.** The term **CONTROL AUTHORITY** shall refer to the **APPROVAL AUTHORITY** defined herein above; or the Water and Sewer Commission if the city has an approved pretreatment program under the provisions of 40 C.F.R. pt. 403.11.

**COOLING WATER.** The water discharged from any use like air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

**DILUTION STREAM.** Any wastewater not generated by a process regulated for a specific pollutant by a categorical standard under 40 C.F.R. subpt. N.

**DIRECT DISCHARGE.** The discharge of treated or untreated wastewater directly to the waters of the state.

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

**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 other duly authorized official of the agency.

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

**FLOATABLE OIL.** Oil, fat, or grease in a physical state so that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the proper operation of the collection system.

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

**GRAB SAMPLE.** A sample which is taken from a waste stream on a 1-time basis with no regard to the flow in the waste stream and without consideration of time.

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

**INCOMPATIBLE POLLUTANT.** All pollutants other than **COMPATIBLE POLLUTANTS** as defined above.

**INDIRECT DISCHARGE.** The discharge or the introduction of non-domestic pollutants from any source regulated under ' 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.** A source or indirect discharge which does not constitute a discharge of pollutants@ under regulations issued pursuant to ' 402, of the Act (33 U.S.C. ' 1342).

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

**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 a grease, oil, or sand trap.

**INTERFERENCE.** The inhibition or disruption of the POTW treatment processes or operations or which contributes to a violation of any requirement of the city=s NPDES/KPDES permit. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with ' 405 of the Act, (33 U.S.C. ' 1345) or any criteria, guideline, or regulations developed pursuant to the Solid Waste Disposal Act (S.W.D.A.), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to the Title IV of S.W.D.A.) applicable to the method of disposal or use employed by the POTW.

**MANAGER.** The person employed by the Commission as Manager of the entire municipal water and sewer system or his or her authorized deputy, agent, or representative.

**MAXIMUM DAILY CONCENTRATION.** The maximum concentration of a pollutant based on the analytical results obtained from a 24-hour composite sample.

**MULTI-UNIT SEWER CUSTOMER.** A location served where there are 2 or more residential units or apartments, 2 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 (OR KENTUCKY) POLLUTANT DISCHARGE ELIMINATION SYSTEM or NPDES/KPDES PERMIT.** A permit issued pursuant to ' 402 of the Act (33 U.S.C. ' 1342), or a permit issued by the state 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 ' 307(c) (33 U.S.C. ' 1317) categorical pretreatment standard which will be applicable to the source, if the 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.

**OPERATION AND MAINTENANCE EXPENSES.** All annual operation and maintenance expenses including replacement related directly to operating and maintaining the sewage works as shown by annual audit.

**PERSON.** Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity of any other legal or their legal representatives, agents, or assigns. The masculine gender shall include the feminine, and 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.

**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.

**POLLUTION.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of 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 the pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes by other means, except as prohibited by 40 C.F.R. pt. 403.6(d).

**PROHIBITIVE DISCHARGE STANDARD.** Any regulation developed under the authority of ' 307(b) of the Act, being 33 U.S.C. ' 1317(b) and 40 C.F.R. pt. 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.

**PUBLIC SEWER.** A common sewer controlled by a governmental agency or public utility. In general, the public 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.

**PUBLICLY OWNED TREATMENT WORKS (POTW).** A treatment works as defined by ' 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 conveyances not connected to a facility providing treatment. For the purposes of this chapter, POTW shall also include any sewers that convey wastewaters to the POTW from person or person outside the city who are, by contract or agreement with the city, users of the city=s POTW.

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

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

**SEVERE PROPERTY DAMAGE.** Substantial physical damage to property, damage to the treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property loss does not mean economic loss caused by delays in production.

**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.

**SEWAGE 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.

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

**SIGNIFICANT NONCOMPLIANCE.** In accordance with 40 C.F.R. pt. 403.8(f)(2)(vii), an industrial user is in significant noncompliance (SNC) if its violation meets 1 or more of the following:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel) or the general public;

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the POTW=s exercise of its emergency authority under 40 C.F.R. pt. 403.8(f)(i)(vi)(B) to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining a final compliance;

(6) Failure to provide, within 30 days after the due date, required reports like baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report noncompliance; and

(8) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

**SIGNIFICANT USER.** Any user of the city's wastewater disposal system who:

(1) Has a discharge flow of 25,000 gallons or more per average work day;

(2) Has a flow greater than 5% of the flow in the city's wastewater treatment system;

(3) Has in his or her wastes toxic pollutants as defined pursuant to ' 307 of the Act or state statutes and rules;

(4) Is found by the city, state control agency, or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other contributing uses, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system; or

(5) Is classified as a categorical industry according to federal regulation.

**SLUG.** Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than 5 times the average 24-hour concentration or flow rate during normal operation or adversely affects the POTW.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, U.S. Bureau of the Budget, 1972.

**STANDARD METHODS.** The examination and analytical procedures set forth in the most recent edition 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 C.F.R. pt. 136.

**STATE.** The Commonwealth of Kentucky.

**STORM DRAIN or 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.

**SURCHARGE.** A charge for services in addition to the basic sewer user and debt service charges.

**SUSPENDED SOLIDS (TSS).** Total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in *Standard Methods for the Examination of Water and Wastewater* and referred to as nonfilterable residue.

**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 ' 307(a) of the Clean Water Act, being 33 U.S.C. ' 1317(a) or other Acts.

**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.

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

**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 CONTRIBUTION PERMIT.** As set forth in the administration section of this chapter. The following abbreviations shall have the designated meanings:

- (1) **ADMI.** American Dye Manufacturers Institute.
- (2) **BOD.** Biochemical oxygen demand.
- (3) **C.F.R.** Code of Federal Regulations.
- (4) **CWA.** Clean Water Act of 1979.
- (5) **EPA.** Environmental Protection Agency.
- (6) **KPDES.** Kentucky Pollutant Discharge Elimination System.
- (7) **l.** Liter.
- (8) **mg.** Milligrams.

- (9) *mg/l.* Milligrams per liter.
- (10) *NPDES.* National Pollutant Discharge Elimination System.
- (11) *POTW.* Publicly Owned Treatment Works.
- (12) *SIC.* Standard Industrial Classification.
- (13) *SWDA.* Solid Waste Disposal Act, 42 U.S.C. ' ' 6901 *et seq.*
- (14) *TSS.* Total suspended solids.
- (15) *U.S.C.* United States Code.

**WASTEWATER FACILITIES.** The structures, equipment, and processes required to collect, carry away, and 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**.

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

**WATERS OF THE STATE.** All streams, lakes, ponds, marshes, watercourse, waterways, wells, springs, reservoirs, aquifers, irrigation system, drainage system, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.  
(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 93-08-19A, passed 8-19-1993; Am. Ord. 9-21-11, passed 9-21-1999)

### ' 51.003 DAMAGING SEWER WORKS PROPERTY.

No person or persons 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 violating this provision shall be subject to arrest under charge of criminal mischief.  
(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.004 FALSIFYING DOCUMENTS.**

No person shall knowingly make any false statement, representation, or certification of any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter, or wastewater contribution permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this chapter.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

***USE OF PUBLIC SEWERS*****' 51.015 MANDATORY SEWER CONNECTION.**

(A) The owners 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 the facilities directly with the proper public sewer in accordance with the provisions of this chapter, within 90 days after date of official notice to do so, provided that the 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 ' 51.002, except as provided for in ' ' 51.030 and 51.031.

(C) At the time a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer system in compliance with this 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. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.016 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 an objectionable wastewater or industrial waste.

(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 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 the discharge.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.017 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.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.018 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.**

(A) No person or persons shall discharge or cause to be discharged through any leak, defect, or connection any unpolluted waters like stormwater, groundwater, roof runoff, subsurface drainage, or cooling water to any sanitary sewer, building sewer, building drain, or building plumbing. The Manager or his or her 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 pipes carrying 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 water.

(B) Stormwater, groundwater, and all other unpolluted drainage may be discharged to the sewers as are used as storm sewers approved by the city and other regulatory agencies. Unpolluted cooling water or unpolluted process waters may be discharged, on approval of the city and other regulatory agencies to a storm sewer or natural outlet.

(C) The owners of any building sewers having connections, leaks, or defects shall bear all costs incidental to removal of sources.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.019 SUBSTANCES WHICH INTERFERE WITH PUBLICLY-OWNED TREATMENT WORKS.**

(A) No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all the 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 of requirements.

(B) A user shall not contribute the following substances to any POTW:

(1) 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 2 successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and any other substances which the city, the state, or EPA has notified the user is a fire hazard or a hazard to the system;

(2) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to ' 307(a) of the Act;

(3) Any waters or wastes having a pH lower than 6.0 or higher than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW;

(4) Any slug load or pollutants, including oxygen demanding pollutants (BOD, and the like), released at a flow or concentration that will cause interference;

(5) Solid or viscous substances in quantities or of the size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities like, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, and the like, either whole or ground; spent limestone or marble dust, grass clippings, spent grains, spent hops, waste paper, gas, asphalt residues, unground garbage, residues from refining or processing of fuel or lubricating oil, or glass grinding or polishing wastes;

(6) Any wastewater with objectionable color not removable in the POTW, but in no case, wastewater with a color at the introduction into the POTW that exceeds 300 ADMI units;

(7) 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 104EF (40EC);

(8) Any wastewater which at the introduction into the POTW has a temperature in excess of 150EF (65EC);

(9) Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance or repair;

(10) Any substance which may cause the POTW's effluent or any other product of the POTW like residues, sludge, 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 ' 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;

(11) Any substance which will cause the POTW to violate its NPDES/KPDES or sludge disposal system permit or the receiving water quality standards;

(12) Any wastewater containing any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Manager in compliance with applicable state or federal regulations; or

(13) Any wastewater which causes a hazard to human life or creates a public nuisance. (Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

### ***PRIVATE WASTEWATER DISPOSAL***

#### **' 51.030 PUBLIC SEWER NOT AVAILABLE.**

(A) Where a public sanitary sewer is not available under the provisions of ' ' 51.015 through 51.019, the building sewer shall be connected, until the public sewer system is available, to a private wastewater disposal system complying with all applicable regulations and requirements of the County Department of Health, and all appropriate state agencies.

(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) Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance with the conditions of the permit.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

#### **' 51.031 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 private sewage disposal system shall not become operative until the installation is completed to the satisfaction of the local and state authorities, if required. They shall be allowed to inspect the work at any stage of construction.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

### ***BUILDING SEWERS AND CONNECTIONS***

#### **' 51.045 PERMITS.**

(A) There shall be 2 classes of building sewer permits required:

- (1) Residential service; and
- (2) Service to commercial and industrial establishments.

(B) In either case, the owner or owners or his or her 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 Manager. 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 Water and Sewer Commission at the time the application is filed.

(C) Users shall notify the city of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW.

(D) No unauthorized person or persons shall uncover, plug, or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the Manager.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.046 PROHIBITED CONNECTIONS.**

(A) No person shall make connection of roof downspouts, basement drains, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer. Any 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 or owners of any building sewers having connections, leaks, or defects shall bear all costs incidental to removal of the sources. Pipes, sumps, and pumps for the sources of ground and surface water shall be separate from wastewater facilities. Removal of the sources of water without presence of separate facilities shall be evidence of drainage to the 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 6 inches above the top of the lowest of the 2 adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.047 DESIGN AND INSTALLATION.**

(A) A separate and independent building sewer shall be provided for every building; except where 1 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 1 building sewer. The Water and Sewer Commission does not and will not assume any obligation or responsibility for damage caused by or resulting from any single connection aforementioned.

(B) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Manager, 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 consumers 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 customer's 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.

(D) 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, and the Commission's *Standard Specifications for Water and Sewer Line Construction*. In the absence of local code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

(E) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city and the Commission 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.

(F) 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.

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

(H) In cases where it is necessary to connect a building sewer directly to a sewer main the tap shall be made by employees of the Commission and the actual cost thereof shall be paid by the applicant. The applicant is responsible for uncovering the sewer main and for backfilling the trench once the tap is completed. Where it is necessary to cut a street, the applicant shall obtain a permit from the city and shall open and close the trench in conformance with city specifications.

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

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

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.048 INSPECTION.**

(A) The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Manager or his or her representative. All connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Manager before installation.

(B) All building sewers shall be smoke tested through the wye-branch at the public sewer connection, with the public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to the top of the pipe and if backfill is completed, within 2 weeks after completion of backfill. At the time of the test any openings into the building drain inside the building shall be water trapped or plugged. Any leakage of smoke from the building sewer or building drain and plumbing shall be located at the test and repaired to stand repetition of the 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 6 inches above the top of the branch.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

***POLLUTANT DISCHARGE LIMITS*****' 51.060 PROHIBITED AND RESTRICTED DISCHARGES.****(A) *General prohibitions.***

(1) A user may not introduce into a POTW any pollutant(s) which cause pass through or interference. These general prohibitions and the specific prohibitions in ' 51.060(B) apply to each user introducing pollutants into a POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.

(2) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process; constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to ' 307(a) of the Act.

(B) *Specific prohibitions.*

(1) (a) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a closed cup flashpoint of less than 140EF, or 60EC, using the test methods specified in 40 C.F.R. pt. 261.21.

(b) At no time shall 2 successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5% nor any single reading over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and any other substances which the city, state or EPA has notified the user is a fire hazard or a hazard to the system.

(2) Any waters or wastes having a pH lower than 6.0 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.

(3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.

(4) Any pollutant, including oxygen demanding pollutants (BOD, and the like) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(5) Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in those quantities that the temperature at the POTW treatment plant exceeds 40EC (104EF) unless the approval authority, upon request of the POTW, approves alternate temperature limits.

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

(7) Pollutants 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.

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

(9) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Commission may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

(10) If an existing industrial user adds or changes a process or operation which may be included in a pretreatment standard subcategory, the existing industrial user must request this certification prior to commencing discharge from the added or changed process or operation. A new source must request this certification prior to commencing discharge.

(11) Wastewater from industrial plants or commercial businesses containing floatable oils, fat, or grease, whether emulsified or not, in excess of (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150EF (0-65EC).

(12) 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. The installation and operation of any garbage grinder equipped with a 3/4 HP motor or greater shall be subject to review and approval.

(13) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Commission.

(14) Any radioactive wastes or isotopes of the half-life or concentration as may exceed limits established by the Commission in compliance with applicable state or federal regulations.

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

(16) Any waters or wastes containing cadmium, chromium, copper, cyanide, iron, lead, nickel, zinc, or similar objectionable or toxic substances to a level that prevents the use of acceptable sludge disposal methods, or pass through the treatment process unremoved and at such concentration that causes a violation of effluent limitations or water quality standards which are or may be established by state and federal agencies having jurisdiction.

(17) Waters or wastes containing substances which are not amendable to treatment or reduction by the wastewater treatment process employed, or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

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

(C) *Restricted discharges.* The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process, or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The Water and Sewer Commission may set additional limitations or alter the limitations established in the regulations below. In forming its opinion as to the acceptability, the Commission 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 sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer shall not be violated without written approval of the Commission.

(1) Any water or waste which has characteristics based on a 24-hour composite sample, or a shorter period composite sample if more representative which exceed the following normal maximum domestic wastewater parameter concentrations:

<i>Parameter</i>	<i>Maximum Allowable Concentration Without Surcharge</i>
BOD	250 mg/l
TSS	250 mg/l
NH <sub>3</sub> -N	25 mg/l

(2) The following limitations are established for characteristics of any wastewaters discharged into the municipal sewer system:

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Arsenic, total	0.3
Barium, total	5.0
Beryllium, total	0.0004
Boron, total	21.3
Cadmium, total	0.02
Chloride, total	1200
Chromium, hexavalent	0.3

<i>Parameter</i>	<i>Maximum Daily Concentration (mg/l)</i>
Chromium, trivalent	3.0
Color	300 ADMI units
Copper, total	0.35
Cyanide, total	0.18
Dissolved solids total	2000
Fluoride	35
Iron, total	15
Lead, total	0.16
Manganese, total	35
Mercury, total	0.0001
Nickel, total	0.32
Oils and grease (hydrocarbon)	25
Oils and grease, total	150
pH	6.0-10.0
Phenols	0.5
Phosphates	15
PCB	0.000
Selenium, total	0.01
Silver, total	0.15
Sulfate, total	1000
Sulfide, as dissolved #25	5.0
Zinc, total	1.20

(3) Where an effluent from an industrial process is mixed prior to treatment with wastewaters other than those generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the Manager. These alternative limits may be calculated using the Combined Wastestream Formula and/or Flow-weighted Average Formula set out in 40 C.F.R. pt. 403.6(a). 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 Manager may convert the limits to equivalent limitations expressed either in mass of pollutant that may be discharged per day or of effluent concentrations 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 C.F.R. pt. 403.6(c) and must fully comply with these alternative limits. All categorical industrial users subject to production-based standards must report production rates annually so that alternative permit limits can be calculated if necessary. The categorical industrial user must notify the Manager 30 days in advance of any change in production levels that might affect the flow or other data used to calculate the effluent limits in the discharge permit.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 93-08-19, passed 8-19-1993; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

#### **' 51.061 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 other pollutant specific limitation developed by the Water and Sewer Commission, city or state. Dilution may be permitted to pretreatment of compatible wastes if provided for in the user=s permit.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

#### **' 51.062 GREASE, OIL, AND SAND INTERCEPTORS.**

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Manager 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 those interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Manager and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner 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 Water and Sewer Commission may require reporting of the information for their review. Any removal and hauling of the collected materials not performed by owner=s personnel must be performed by currently licensed waste disposal firms. Interceptors shall also comply with applicable regulations of the County Health Department.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.063 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.**

(A) *Pretreatment standards.* 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 waste discharge which violates these EPA Pretreatment Standards shall be in violation of this chapter.

(B) *Facilities.* Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or owners at his or her expense.

(C) *Hauling liquid wastes.*

(1) Any person who transports septic tank, seepage pit, or cesspool contents, liquid industrial waste, or other batch liquid waste and wishes to discharge that waste to the public sewer system shall first obtain written permission for the discharge from the Manager. All persons receiving the permission shall abide by all applicable provisions of this chapter, and any other special provisions that may be established by the Manager as necessary for the proper operation and maintenance of the sewerage system.

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

(3) 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 Manger for those purposes.

(4) Any liquid waste hauler caught illegally discharging to the public sewer system shall be subject to immediate revocation of discharge privileges (if granted) and further subject to the penalties prescribed in ' 51.999.

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

(D) *Bypass not violating applicable pretreatment standards or requirements.*

(1) *Bypass.* An industrial user may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of ' 51.063(D)(2) and (3).

(2) *Notice.*

(a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, if possible, at least 10 days before the date of the bypass.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Control Authority within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate, and prevent reoccurrence of bypass. The Control Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(3) *Prohibition of bypass.*

(a) Bypass is prohibited, and the Control Authority may take enforcement action against an industrial user for a bypass unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, like the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The industrial user submitted notices as required under paragraph ' 51.063(D)(2).

(b) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the 3 conditions listed in ' 51.063(D)(3)(a).

(E) *Special agreements/arrangements.* No statement contained in this subchapter shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment provided applicable local, state, and federal pretreatment regulations of the city=s NPDES/KPDES permit are not violated.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**51.064 PROTECTION FROM ACCIDENTAL DISCHARGE.**

(A) *Protection.* Each significant user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this chapter. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user=s own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Water and Sewer Commission for review, and shall be approved by the Commission before construction of the facility. All existing users shall complete this plan within 90 days after the effective date of this chapter. Construction shall be completed within 180 days of approval of plans and notification by the Manager. No user who commences contribution to the POTW after the effective date of this chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of the plans and operating procedures shall not relieve the user from the responsibility to modify the user=s facility as necessary to meet the requirements of this chapter. In the case of an accidental discharge, 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 5 days following an accidental discharge, the user shall submit to the Commission a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrence. This 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 this notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this subchapter 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 a dangerous discharge to occur are advised of the emergency notification procedure.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**51.065 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. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.066 CITY=S RIGHT OF REVISION.**

The city reserves the right at the recommendation of the Water and Sewer Commission 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. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.067 FEDERAL CATEGORICAL PRETREATMENT STANDARDS, MODIFICATION PROCEDURE.**

(A) 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. The Manager shall notify all affected users of the applicable reporting requirements under 40 C.F.R. pt. 403.12.

(B) When the city=s wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the city may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. Consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in 40 C.F.R. pt. 403.7(c)(2), *General Pretreatment Regulations for Existing and New Source of Pollution* promulgated pursuant to the Act. The city may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 C.F.R. pt. 403.7 are fulfilled and prior approval from the approval authority is obtained.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

***PRETREATMENT PROGRAM PERMIT ADMINISTRATION*****' 51.080 PERMIT TO DISCHARGE WASTES REQUIRED.**

It shall be unlawful to discharge without a permit to any natural outlet within the city, or in any area under the jurisdiction of the city, or to the POTW any wastewater except as authorized by the Manager in accordance with the provisions of this chapter.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.081 WASTEWATER CONTRIBUTION PERMITS.**

(A) All significant users proposing to connect to or to contribute to the POTW shall obtain a wastewater contribution permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 90 days after the effective date of this chapter.

(B) Permit application. Users required to obtain a wastewater contribution permit shall complete and file with the Water and Sewer Commission, an application in the form prescribed by the Commission, and accompanied by a permit fee. Existing users shall apply for a wastewater contribution permit within 30 days after the effective date of this chapter, and proposed new users shall apply at least 30 days prior to connecting to or contributing to the POTW. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following evaluation:

- (1) Name, address, and location if different from the address;
- (2) SIC numbers 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 Commission; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to ' 304(g) of the Act, being 33 U.S.C. ' 1314 and contained in 40 C.F.R. pt. 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 discharged;
- (8) Where known, the nature and concentration of any pollutants in the discharge which are limited by 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 the 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 Commission.

(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 Commission including, as a minimum, whether or not it complied with the increment of progress to be met on that date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the users to return the construction to the schedule established.

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

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

(12) Number of employees, 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 Commission to be necessary to evaluate the permit application.

(C) A Baseline Monitoring Report (BMR) must be submitted to the Manager 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 including a process description, SIC code number, raw materials used, chemicals used, and final product(s) produced;

(2) Name of facility contact person;

(3) Wastewater characteristics like total plant flow, types of discharges, average and maximum flows from each process;

(4) Nature and concentration of pollutants discharged to the public sewer system that are regulated by this chapter, state and/or federal pretreatment standards and sample type and location; discharge;

- (5) Information concerning any pretreatment equipment used to treat the facility's discharge;  
and
- (6) New source categoricals shall comply with standards upon commencement of discharge.

(D) The Commission shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Commission may issue a wastewater contribution permit subject to terms and conditions provided herein.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

#### **51.082 PERMIT MODIFICATIONS.**

Within 9 months of the promulgation of National Categorical Pretreatment Standards, the wastewater contribution permit of users subject to those standards shall be revised to require compliance with that standard within the time frame prescribed by that standard. Where a user, subject to National Categorical Pretreatment Standards, has not previously submitted an application for a wastewater contribution permit as required, the user shall apply for a wastewater contribution permit within 90 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the user with an existing wastewater contribution permit shall submit to the Water and Sewer Commission within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by this chapter.  
(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

#### **51.083 PERMIT CONDITIONS.**

(A) Wastewater contribution permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges, and fees established by the Water and Sewer Commission.

(B) Permits may contain the following:

- (1) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a commodity sewer;
- (2) Limits on the average and maximum wastewater constituents and characteristics;
- (3) Limits on average, maximum rate, and time of discharge or requirements for flow regulations and equalization;
- (4) Requirements for installation and maintenance of inspection and sampling facilities;

- (5) Specifications for monitoring programs which may include sampling locations; frequency of sampling; number, types, and standards for tests; and reporting schedule;
- (6) Compliance schedules;
- (7) Requirements for submission of technical reports or discharge reports;
- (8) Requirements for maintaining and retaining for a minimum of 3 years plant records relating to wastewater discharge as specified by the Commission, and affording Commission access thereto;
- (9) Requirements for notification of the Commission of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (10) Requirements for notification of slug discharges;
- (11) The permit may require the user to reimburse the Commission for all expenses related to monitoring, sampling, and testing performed at the direction of the Manager and deemed necessary by the Commission to verify that the user is in compliance with the permit; and
- (12) Other conditions as deemed appropriate by the Commission to ensure compliance with this chapter.  
(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

#### **' 51.084 PERMIT DURATION.**

Permits shall be issued for a specified time period, not to exceed 3 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 120 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 Water and Sewer Commission during the term of the permit as limitations or requirements as identified in ' ' 51.060 through 51.067 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. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.085 PERMIT TRANSFER.**

Wastewater contribution permits are issued to a specific user for a specification operation. A wastewater contribution permit shall not be reassigned or transferred to or sold to a new owner, new user, different premises, or a new or change operation without the approval of the Water and Sewer Commission. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit. (Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999) Penalty, see ' 51.999

**' 51.086 COMPLIANCE DATA REPORTING.**

Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Water and Sewer Commission a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards and requirements and the average and maximum daily flow for these process units in the user facility which are limited by the pretreatment standards or requirements. The report shall state whether the applicable 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 pretreatment standards or requirements. This statement shall be signed by an authorized representative of the user. (Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.087 PERIODIC COMPLIANCE REPORTS.**

(A) (1) Any user subject to a pretreatment standard, after the compliance date of the pretreatment standard, or, in the case of a new user, after commencement of the discharge into the POTW shall submit to the Water and Sewer Commission during the months of July and December, unless required more frequently in the pretreatment standard or by the wastewater contribution permit, a report indicating the nature and concentration, of pollutants in the effluent which are limited by the pretreatment standards. 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 Commission and in consideration of those factors as local high or low flow rates, holidays, budget cycles, and the like, the Commission may agree to alter the months during which the above reports are to be submitted.

(2) Significant Industrial Users shall report violations of restricted discharge limitations within 24 hours of becoming aware of the violations. Any discharge of prohibited discharges shall be reported immediately in accordance with ' 51.060

(3) Significant Industrial Users shall resample for permit violations within 30 days of becoming aware of the violations.

(B) The Commission may impose mass limitations on users where their imposition is appropriate. In those cases, the report required by ' 51.087(A) above shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Commission of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analyses shall be performed by a laboratory acceptable to the Commission. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to ' 304(g) of the Act, being 33 U.S.C. ' 1314 and contained in 40 C.F.R. pt. 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 C.F.R. pt. 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, *Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants*, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

#### ' 51.088 MONITORING FACILITIES.

(A) The Water and Sewer Commission shall 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 or internal drainage system. The monitoring facility should normally be situated on the user=s premises, but the Commission may, when that location would be impractical or cause undue hardship on the user, allow the facility to be constructed in a public right-of-way. The Manager shall review and approve the location, plans, and specifications for all monitoring facilities and may require them to be constructed to provide for the separate monitoring and sampling of industrial waste and sanitary sewage flows.

(B) There shall be ample room in or near the sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user.

(C) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Commission=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.

(D) Significant Industrial Users shall receive prior approval from the Manager prior to making a change in a monitoring location.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**51.089 INSPECTION AND SAMPLING.**

(A) The Water and Sewer Commission 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 Commission or its 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) Any industrial user or user subject to the reporting requirements established in this section shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this section). This period of retention shall be extended during the course of any unsolved litigation regarding the industrial user or POTW, or other state or federal enforcement agency.

(C) The Commission, approval authority, and EPA shall have the right to set up on the user=s property those devices as are necessary to conduct sampling inspection, compliance monitoring, 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 Commission, approval authority, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**51.090 PRETREATMENT.**

(A) Users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the Water and Sewer Commission 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 Commission for review, and shall be acceptable to the plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Commission under 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 Commission prior to the user=s initiation of the changes.

(B) The Commission is required by federal regulation to keep the public informed of all cases of significant violation. To accomplish this, the Commission shall publish, at least annually in the area=s largest daily newspaper, the names of users significantly violating pretreatment standards or requirements during the previous 12 months. A significant violation shall meet 1 or more of the following conditions:

- (1) Results in the exercise of emergency authority;
- (2) Remains uncorrected 45 days after notice of noncompliance is given;
- (3) Involves failure to report accurately;
- (4) Chronically exceed wastewater pollution limits which are defined as those in which 66% or more of all of the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- (5) Technical Review Criteria (TRC) violations which are defined as those in which 33% or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (6) Any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (7) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW=s exercise of its emergency authority under paragraph 40 C.F.R. pt. 403.8(f)(i)(vi)(a) to halt or prevent such a discharge;
- (8) Failure to meet, within 90 days after the schedule date a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (9) Failure to provide, within 30 days after the due date, required reports like baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (10) Failure to accurately report noncompliance; or
- (11) Any other violation or group of violations which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

(C) The notification shall also summarize any enforcement actions taken against the user or users during the same 12 months.

(D) All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**51.091 CONFIDENTIAL INFORMATION.**

(A) (1) In accordance with 40 C.F.R. pt. 2, any information submitted to the Commission pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing the information.

(2) If no claim is made at the time of submission, the Commission may make the information available to the public without further notice.

(3) Data provided to the Commission pursuant to this part which is effluent data shall be available to the public without restriction.

(B) (1) 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 upon written request to governmental agencies for uses related to this chapter, the NPDES/KPDES permit, sludge disposal system permit or the pretreatment programs.

(2) However, these 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.

(3) Wastewater constituents and characteristics shall not be recognized as confidential information.

(C) Information accepted by the Commission as confidential, shall not be transmitted to any governmental agency or to the general public by the Commission until and unless a 10-day notification is given to the user.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

***FEES*****51.105 PURPOSE.**

This subchapter provides for the recovery of costs from users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Water and Sewer Commission=s schedule of charges and fees.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**51.106 CHARGES AND FEES.**

(A) The Water and Sewer Commission may adopt charges and fees which may include:

(1) Fees for reimbursement of costs of setting up and operating the Commission=s pretreatment program;

(2) Fees for monitoring, inspections, and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Fees for consistent removal by the POTW of pollutants otherwise subject to federal pretreatment standards; or

(7) Other fees as the Commission may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the Commission.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

***POWERS AND AUTHORITY OF INSPECTORS*****' 51.120 RIGHT TO ENTER PREMISES.**

The Manager and other duly authorized employees and representatives of the Water and Sewer Commission and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all property 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. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.121 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGES.**

The Manager and other duly authorized employees and representatives are authorized to obtain information concerning character, strength, and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system, including inspection, sampling, photocopying of records, and records examination.

(Ord. passed 6-7-1984; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.122 ACCESS TO EASEMENTS.**

(A) Duly authorized employees and representatives of the Water and Sewer Commission bearing proper credentials and identification shall be permitted to enter all private properties through which the Commission or the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the wastewater facilities lying within that easement.

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

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.123 SAFETY RULES TO BE OBSERVED; LIABILITY FOR INJURIES.**

While performing the necessary work on private properties referred to in ' 51.120, the Manager or duly authorized employees of the Water and Sewer Commission shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Commission employees, and the Commission shall indemnify the company against loss

or damage to its property by Commission employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required in ' 51.088.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

### ***VIOLATIONS; REMEDIES***

#### **' 51.135 HARMFUL CONTRIBUTIONS; SUSPENSION OF UTILITY SERVICE; SEVERANCE OF SIGNIFICANT USER=S WATER SUPPLY.**

(A) The Water and Sewer Commission may suspend all utility services provided by the Commission or a wastewater contribution permit when that suspension is necessary, in the opinion of the Manager, in order to stop an actual or threatened discharge which present 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 Commission to violate any condition of its NPDES/KPDES permit.

(B) Any person notified of a suspension of utility services provided by the Commission or the wastewater contribution 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 Commission shall take any 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 Commission shall reinstate the wastewater contribution permit or the utility services provided by the Commission upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Commission within 15 days of the date of occurrence.

(C) Whenever a significant user has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the significant user may be severed and service will only recommence, at the user=s expense, after it has satisfactorily demonstrated consistent compliance. (Ord. passed 6-7-1984; Am. Ord. 89-10-002, passed 10-19-1989; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**51.136 NOTICE OF VIOLATION.**

Any person found to be violating any provision of this chapter shall be served by the Water and Sewer Commission with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in the notice, permanently cease all violation.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**51.137 ADMINISTRATIVE ORDERS.**

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

(B) The administrative order may take any of the following 4 forms:

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

(2) When the Manager finds that an industrial user has violated or continues to violate this chapter or permit or order issued hereunder, he or she may issue an order to the industrial user for the violation directly 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 other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices.

(3) A notice of violation with required actions and compliance schedule shall constitute an administrative order.

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

(a) Comply forthwith;

(b) Take the appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. (Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.138 CONTINUING VIOLATION.**

Any person who willfully continues any violation beyond the time limit provided for shall be guilty of a violation of this chapter, and upon conviction thereof, shall be fined in accordance with ' 51.999. Each day in which a violation shall continue shall be deemed a separate offense. In addition to the penalties provided herein, the Water and Sewer Commission may recover reasonable attorney=s fees, court costs, court report=s fees, and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder. (Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.139 SHOW CAUSE HEARING.**

(A) The Water and Sewer Commission may order any user who causes or allows an unauthorized discharge to show cause before the Commission 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 Commission regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and direction the user to show cause before the Commission 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 a corporation.

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

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

(2) Take the evidence; and

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

(C) At any hearing held pursuant to this chapter, testimony taken must be under oath and recorded stenographically or by an electronic tape recorder. The transcript, so recorded, will be made available to any member of the public or any part to the hearing upon payment of the usual charges thereof.

(D) After the Commission has reviewed the evidence, it may issue an order to the user responsible for the discharge directly that, following a specified time period, the sewer service 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.

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

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

#### **51.140 REVOCATION OF PERMIT.**

Any user who is in violation of the following conditions of this chapter, or applicable state and federal regulations, shall have its permit revoked in accordance with the procedures of this chapter:

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

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

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

(D) Violation of conditions of the permit.

(Ord. passed 6-7-1984; Am. Ord. 9-21-11, passed 9-21-1999)

***ENFORCEMENT RESPONSE GUIDE*****51.155 DESCRIPTION OF TERMS.**

(A) Terms and abbreviations used in the Enforcement Response Guide are defined below. Specific enforcement responses that appear in this guide are described in more detail in the following sections.

***AM.*** Assistant Manager.

***AO.*** Administrative Order.

***CIVIL LITIGATION.*** Civil litigation against the industrial user seeking equitable relief, monetary penalties and actual damages.

***CRIMINAL LITIGATION.*** Pursuing punitive measures against an individual and/or organization through a court of law.

***FINE.*** Monetary penalty assessed by Control Authority officials. Fines should be assessed by the Manager.

***I.*** Inspector.

***IU.*** Industrial User.

***M.*** Manager.

***MEETING.*** Informal compliance with the IU to resolve recurring noncompliance.

***NOV.*** Notice of Violation.

***S.*** Superintendent.

***SV.*** Significant Violation.

***SHOW CAUSE.*** Formal meeting requiring the IU to appear and demonstrate why the Control Authority should not take a proposed enforcement action against it. The meeting may also serve as a forum to discuss corrective actions and compliance schedules.

(B) The Manager may delegate to the Wastewater Treatment Plant Superintendent and Assistant Manager the authority for investigation of violations and implementation of the appropriate enforcement response under the terms of the Enforcement Response Guide.

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**51.156 UNAUTHORIZED DISCHARGES; NO PERMIT.**

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
(A) Unpermitted discharge	IU unaware of requirement; no harm to POTW/environment	- Phone call; NOV with application form	M
	IU unaware of requirement; harm to POTW	- AO with fine	M
		- Civil Action	M
	Failure to apply continues after notice by POTW	- Civil action	M
		- Criminal investigation	M
		- Terminate service	M
(B) Nonpermitted discharge	IU has submitted application within 10 days of due date	- Phone call; NOV	M

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**51.157 DISCHARGE LIMIT VIOLATION.**

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
Exceedance of local or Federal Standard (permit limit)	Isolated, not significant	- Phone call; NOV	M
	Isolated, significant (no harm)	- AO to develop spill prevention plan and fine	M
Exceedance of local or Federal standard	Isolated, harm to POTW or environment	- Show cause order - Civil Action	M
	Recurring, no harm to POTW/environment	- AO with fine	M
	Recurring, significant harm	- AO with fine - Show cause order - Civil action - Terminate service	M

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

51.158 MONITORING AND REPORTING VIOLATIONS.

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
(A) Reporting violation	Report is improperly signed or certified	- Phone call or NOV	M
	Report is improperly signed or certified after notice by POTW	- AO	M
		- Show cause	M
	Isolated, not significant (e.g., 5 days late)	- Phone call/NOV	M
	Significant (e.g., report 30 days or more late)	- AO to submit with fine per additional day	M
	Reports are always late or no reports at all	- AO with fine	M
		- Show cause	M
		- Civil action	M
	Failure to report spill or changed discharge (no harm)	- NOV	M
	Failure to report spill or changed discharge (results in harm)	- AO with fine	M
		- Civil action	M

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
Reporting violation (Cont=d.)	Repeated failure to report spills	- Show cause order	M
		- Terminate service	M
(B) Failure to monitor correctly	Falsification	- Criminal investigation	M
		- Terminate service	M
(B) Failure to monitor correctly	Failure to monitor all pollutants as required by permit	- NOV or AO	M
	Recurring failure to monitor	- AO with fine	M
(C) Improper sampling		- Civil action	M
	Evidence of intent	- Criminal investigation	M
(D) Failure to install monitoring equipment		- Terminate service	M
	Delay of less than 30 days	- NOV	M
(D) Failure to install monitoring equipment	Recurring, violation of AO	- Civil action	M
		- Criminal investigation	M
		- Terminate service	M

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<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
(E) Compliance Schedules	Missed milestone by less than 30 days, or will not affect final milestone	NOV or AO with fine	M
	Missed milestone by more than 30 days, or will affect final milestone (good cause for delay)	- AO with fine	M
	Missed milestone by more than 30 days, or will affect final milestone (no good cause for delay)	- Show cause order	M
		- Civil action	M
		- Terminate service	M
	Recurring violation or violation of schedule in AO	- Civil action	M
		- Criminal investigation	M
		- Terminate service	M

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

• **51.159 OTHER PERMIT VIOLATIONS.**

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
(A) Noncompliances are diluted in lieu of treatment	Initial violation	- AO with fine	M
	Recurring	- Show cause order - Terminate service	M M
(B) Failure to mitigate noncompliance or halt production	Does not result in harm	- NOV	M
	Does result in harm	- AO with fine - Civil action	M M
(C) Failure to properly operate and maintain pretreatment facility	See No. 2 above		

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.160 VIOLATIONS DETECTED DURING SITE VISITS.**

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
(A) Entry Denial	Entry denied or consent withdrawn; copies of records denied	- Obtain warrant and deliver to IU	M
(B) Illegal discharge	No harm to POTW or environment	- AO with fine	M
	Discharges cause harm or evidence of intent/negligence	- Civil action - Criminal investigation	M M
	Recurring, violation of AO	- Terminate service	M
(C) Improper sampling	Unintentional sampling at incorrect location	- NOV	M
	Unintentionally using incorrect sample type	- NOV	M
	Unintentionally using incorrect sample collection techniques	- NOV	M

<i>NONCOMPLIANCE</i>	<i>NATURE OF THE VIOLATION</i>	<i>ENFORCEMENT RESPONSES</i>	<i>PERSONNEL</i>
(D) Inadequate record-keeping	Inspector finds file incomplete to missing (no evidence of intent)	- NOV	M
	Recurring	- AO with fine	M
(E) Failure to report additional monitoring	Inspection finds additional files	- NOV	M
	Recurring	- AO with fine	M
NOTE: At the discretion of the Manager, the Assistant Manger, or the WWTP Superintendent may perform these functions.			

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.161 RESPONSE TIME FRAMES.**

(A) All violations will be identified and documented within 7 days of receiving compliance information.

(B) Initial enforcement responses (involving contact with the industrial user and requesting information on corrective or preventative action(s)) will occur within 7 days of violation detection.

(C) Follow-up actions for continuing or recurring violations will be taken within 30 to 45 days of the initial enforcement response. For all continuing violations, the response will include a compliance schedule.

(D) The violations which threaten health, property or environmental quality are considered emergencies and will receive immediate responses like halting the discharge or terminating service.

(E) All violations meeting the criteria for significant noncompliance will be addressed with an enforceable order within 30 days of the identification of significant noncompliance.  
(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.162 PROCEDURES FOR COLLECTING EVIDENCE DURING EMERGENCY SITUATIONS.**

(A) The Wastewater Treatment Plant Superintendent is responsible for collecting evidence during emergency situations. Additionally, the Superintendent shall, through the Assistant Manager, solicit assistance from the Distribution Department, if extra manpower is required.

(B) The Superintendent shall maintain a procedure to determine the source from which the violation occurs. This procedure includes:

(1) Determining from plant effluent @East or West@ direction.

(2) By using sewer maps, continue to isolate the collection systems until the source is discovered.

(3) When the source is discovered at least 2 personnel will be present to collect samples, including preparation of chain of custody form. The source will be notified immediately of the findings and will be allowed to split samples for their own analysis.

(4) The Wastewater Treatment Plant Superintendent will immediately notify the laboratory (certified by the Commonwealth of Kentucky) if an analysis is required, and proper sample presentation protocol will be followed until pickup is made.

(5) The Manager will then determine remedial action appropriately using the Enforcement Response Guide.

(Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)

## ***RATES AND CHARGES***

### **51.175 GENERAL REQUIREMENTS.**

(A) For purposes of this subchapter, the following definitions shall apply unless the context clearly requires a different meaning.

***DEBT SERVICE CHARGES.*** Charges levied on users of the sewage treatment system to support the annual debt service obligations of the system.

***EXCESSIVE STRENGTH SURCHARGES.*** Charges levied on users of the sewage treatment system whose contributions contain conventional pollutants in concentrations which exceed the limits specified herein for the pollutants and who are permitted to make the contributions to the system by decision of the Municipal Water and Sewer Commission. In the event that the Commission shall permit a user to discharge waste to the sewage works having an average biochemical demand (BOD) in excess of 250 mg/l, and/or an average suspended solids (TSS) content in excess of 250 mg/l, and/or an average ammonia nitrogen (NH<sub>3</sub>-N) content in excess of 25 mg/l, the user shall pay a surcharge based upon the excess strength of its wastes.

***SEWER SERVICE CHARGES.*** A system of user charges, excessive strength surcharges, a system of charges for debt service which may include return on investment.

***USER CHARGES.*** Charges levied on users of the sewage system to offset the cost of operations and maintenance of the system including simple replacement costs.

(B) ***SEWER SERVICE CHARGES*** shall be charges levied on all users who discharge, cause or permit the discharge of sewage into the public sewage treatment system. Rates or charges for sewer service shall be based upon the quantity of water measured by the water meter supplied to the respective building or premises.

(C) No reduction in sewage service charges, fees, or taxes shall be permitted because of the fact that certain wastes discharged to the sewage works contain less than the 250 mg/l of BOD, 250 mg/l of TSS, or 25 mg/l of NH<sub>3</sub>-N.

(D) The Commission shall review not less than every 2 years the sewage contribution of users, and the total cost of operation and maintenance of the sewage works, and user charges. Based on the review, the Commission shall recommend to the city, when necessary, a revised schedule of user charges which shall accomplish the following:

- (1) Maintain the proportionate distribution of operations and maintenance costs among users of the treatment system;
- (2) Generate sufficient revenues to offset the costs associated with the proper operation and maintenance of the system;
- (3) Generate sufficient revenues to support the annual debt service of the system; and
- (4) Review excessive strength surcharges every 2 years.

(Ord. 94-07-21, passed - -; Am. Ord. 96-03-07(B), passed 3-21-1996; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.176 SEWER USER RATES.**

The monthly sewer rates and charges are as follows:

(A) (1) Within the city limits, and within the city sewer service area, except for HiPoint Shopping Center, which has an additional surcharge of \$.25 per 1,000 gallons for use of Sanitation District #1 lines:

Next 9,000 gallons used per month	\$1.80 per 1,000 gallons
Next 15,000 gallons used per month	\$1.65 per 1,000 gallons
All over 25,000 gallons used per month	\$1.55 per 1,000 gallons

(2) The rates in ' 51.176(A)(1) above are comprised as follows:

	<i>User Charge per 1,000 gallons</i>	<i>Debt Service per 1,000 gallons</i>	<i>Sewer Service Charge</i>
Next 9,000 gallons	\$1.07	\$.73	\$1.80
Next 15,000 gallons	\$1.07	\$.58	\$1.65
All over 25,000 gallons	\$1.07	\$.48	\$1.55

(B) (1) Outside the city limits, but within the city sewer service area, excluding area of Sanitation District #1:

First 1,000 gallons used per month	\$6.63 (Minimum)
Next 9,000 gallons used per month	\$2.07 per 1,000 gallons
All over 10,000 gallons used per month	\$1.90 per 1,000 gallons

(2) The rates in ' 51.176(B)(1) above are comprised as follows:

	<i>User Charge per 1,000 gallons</i>	<i>Debt Service per 1,000 gallons</i>	<i>Sewer Service Charge</i>
First 1,000 gallons	\$3.70	\$2.93	\$6.63
Next 9,000 gallons	\$1.07	\$1.00	\$2.07
All over 10,000 gallons	\$1.07	\$0.83	\$1.90

(C) Sewer surcharges for excessive strength wastewater as defined in ' 51.060(C)(1):

<i>Parameter</i>	<i>Allowable Concentration</i>	<i>Charge Per Pound in Excess Above Allowable</i>
BOD	250 mg/l	\$.17
TSS	250 mg/l	\$.17
NH <sub>3</sub> -N	25 mg/l	\$.51

(Ord. 94-07-21, passed - -; Am. Ord. 96-03-07(B), passed 3-21-1996; Am. Ord. 9-21-11, passed 9-21-1999)

**' 51.999 PENALTY.**

(A) Any person who is found to have violated any provision of this chapter or the orders and permits issued hereunder, shall be subject to an administrative penalty and fined in an amount not to exceed \$1,000 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. The assessments may be added to the person=s next scheduled sewer charge and the Manager shall have any other collection remedies as he or she has to collect other service charges.

(B) Any person violating any of the provisions of this chapter shall be subject to termination of its authority to discharge sewage into the Commission system upon a determination pursuant to the terms of this chapter that the violation currently exists and is of a continuing nature.

(C) Any person violating any of the provisions of this chapter shall become liable to the Commission for any expense, loss, or damage occasioned by the Commission by the reason of the violation.

(D) (1) Any person who has violated or continues to violate this chapter or any order or permit issued hereunder, shall be liable to the Manager for a civil penalty of not more than \$10,000 plus actual damages incurred by the POTW per violation, per day, for as long as the violation(s) continues. In addition to the above-described penalty and damages, the Manager may recover reasonable attorney=s fees, court costs, and other expenses of his or her enforcement activities, including special sampling and monitoring expenses.

(2) The Manager shall petition the court to impose, assess, and recover the 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 person=s violation, corrective actions by the person, the compliance history of the user person, and any other factor as justice requires.

(E) Any person 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 \$1,000 per violation, per day, or imprisonment for not more than 1 year, or both.

(F) Any person violating the provisions of ' 51.004 shall, upon conviction, be punishable by a fine of not more than \$1,000, or by imprisonment for not more than 12 months, or by both.

(G) Any person who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 1 year, or both.

(H) Any person violating the provisions of ' 51.063(C) shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment in the county jail for not more than 12 months, or by both. (Ord. passed 6-7-1984; Am. Ord. 89-10-002, passed 10-19-1989; Am. Ord. 91-07-18, passed 7-18-1991; Am. Ord. 9-21-11, passed 9-21-1999)