

TITLE V: PUBLIC WORKS

Chapter

50. SEWERS

51. WATER

CHAPTER 50: SEWERS

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GENERAL PROVISIONS**§ 50.001 PURPOSE AND POLICY.**

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

(B) The objectives of this chapter are:

- (1) To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters so as to cause violations of the city's KPDES permit or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system;
- (4) To provide for equitable distribution of the cost of the municipal wastewater system;
- (5) To provide for the safety of the treatment plant employees; and
- (6) To provide for the orderly growth of the municipal wastewater system.

(C) This chapter provides for the regulation of connection to and of direct and indirect contribution to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement

activities, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(D) This chapter shall apply to the city and to persons outside the city who are, by contract or agreement with the city, users of the city publicly owned treatment works (POTW). Except as otherwise provided herein, the City Administrator and/or his designated representative shall administer, implement, and enforce the provisions of this chapter.
(Ord. 96-03, passed 3-11-96)

§ 50.002 DEFINITIONS AND ABBREVIATIONS.

(A) *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

ACT or **THE ACT.** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

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

AGENCY. Any governmental or quasi governmental entity.

AUTHORIZED REPRESENTATIVE. An authorized representative of a user may be: (1) A principal executive officer of at least the level of vice president, if the industrial user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates. An authorized representative of the city may be any person designated by the city to act on its behalf.

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

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

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° Celsius 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, water, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five 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 CONNECTION.***

BUILDING SEWER PERMIT. As set forth in §§ 50.040 through 50.044.

CATEGORICAL INDUSTRIAL USER (CIU). An industrial user subject to categorical, pretreatment standards which, have been promulgated by EPA.

CATEGORICAL PRETREATMENT STANDARDS. National Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 USC 1347) which applied to a specific category of industrial users.

CITY. The city of Lebanon, Kentucky; its City Council; the City Administrator; the Public Works Director or their designee.

CITY ENGINEER. The agent or representative or other such person qualified by training or formal education which has been empowered by the city to deal with matters relating to this chapter.

CLEAN WATER ACT (CWA). (Also known as the Federal Water Pollution Control Act) enacted by Public Law 92-500. October 18, 1972. 33 USC 1251 et seq; as amended by PL 95-217. December 28, 1977; PL 97-117 December 29, 1981; PL 97-440, January 8, 1983, and PL 100-04, February 4, 1987.

COMBINED SEWER. Any conduit designed to carry both sanitary sewage and storm water or surface water.

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

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

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

CONTROL AUTHORITY. The term shall refer to the city when there exists an approved pretreatment program under the provisions of 40 CFR 403.11.

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

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

DEVELOPER. Any owner/contractor/builder of a property or properties being improved and for which sanitary service will be required.

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

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

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

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

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

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

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

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

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

FLOW WEIGHTED AVERAGING FORMULA (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and non-regulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.

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

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

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

INCOMPATIBLE POLLUTANT. All pollutants other than compatible pollutants as defined in this section.

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

INDUSTRIAL USER (IU). A source of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Clean Water Act.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT. A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the §§ 50.065 through 50.081.

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 which permits normal sewage or liquid wastes to discharge into the sewer or drainage system by gravity. **INTERCEPTOR** as defined herein is commonly referred to as a grease, oil, or sand trap.

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

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

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

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

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

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

NATIONAL CATEGORICAL PRETREATMENT STANDARD or **PRETREATMENT STANDARD.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Clean Water Act which applies to a specific category of industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

NATIONAL (OR KENTUCKY) POLLUTANT DISCHARGE ELIMINATION SYSTEM or **NDPES/KPDES PERMIT.** A permit issued pursuant to Section 402 of the Act (33 USC 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.

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

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

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

OFF-SITE IMPROVEMENTS. Improvements made to the existing sanitary sewer system or the construction of all new sewer lines, pump stations, manholes and other appurtenant structures necessary to accommodate the expansion of the sanitary sewer system which are not located on a developer's parcel(s).

ON-SITE IMPROVEMENTS. Improvements made to the existing sanitary sewer system or the construction of all appurtenant structures necessary to accommodate the expansion of the sanitary sewer system which are located on a developer's parcel(s).

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

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

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estates, governmental entity, or any other legal entity, or their legal representatives, agent or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

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

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

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

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

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

PROCESS WASTEWATER. Any water which, during manufacturing or processing, comes into direct contact with or results from the production of or use of any raw material, intermediate product, finished product, by-product, or waste product.

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

PROHIBITIVE DISCHARGE STANDARD. Any regulation developed under the authority of 307(b) of the Act and 40 CFR Section 403.5.

PROPERLY SHREDDED GARBAGE. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than ½ inch in any directions.

PUBLIC SEWER. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority.

PUBLIC WORKS DIRECTOR. The authorized representative of the city responsible for operating and maintaining the municipal sewerage structures and facilities.

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

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

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

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

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

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

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

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

SHALL. Is mandatory (see **MAY**).

SIGNIFICANT INDUSTRIAL USER (SIU). Defined by EPA regulations as:

(a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(b) Any non-categorical industrial user that:

1. Discharges 25,000 gallons per day or more of process wastewater (“process wastewater” excludes sanitary non-contact cooling, and boiler blowdown wastewaters) or

2. Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or

3. Has a reasonable potential, in the opinion of the Control or Approval Authority, to adversely affect the POTW treatment plant (inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers) or violate any requirements of this chapter. The city may determine that an industrial user subject to Categorical Pretreatment Standards is a **NON-SIGNIFICANT CATEGORICAL INDUSTRIAL USER** rather than a **SIGNIFICANT INDUSTRIAL USER** on a finding that the industrial user never discharges more than 100 gallons per day (gpd) or total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard and the following conditions are met:

A. The industrial user, prior to the city’s finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements;

B. The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

C. The industrial user never discharges any untreated concentrated process wastewater.

(C) Upon a finding that a user meeting the criteria in this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.9(f)(6), determine that such user should not be considered a ***SIGNIFICANT INDUSTRIAL USER***.

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

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

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

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

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

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

STATE. Commonwealth of Kentucky.

STORM DRAIN 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, for those users whose contributions contain Biochemical Oxygen Demand (BOD₅), Chemical Oxygen Demand (COD), Total Suspended Solids (TSS), Oil and Grease or Ammonia nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the control authority, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.

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."

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

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

TOXIC POLLUTANT. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator or EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.

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.

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

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

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

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

WATERS OF THE STATE. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

(B) *Abbreviations.* The following abbreviations shall have the designated meanings:

ADMI	- American Dye Manufacturers Institute
ASTM	- American Society for Testing and Materials
BMP	- Best Management Practices
BMR	- Baseline Monitoring Report
BOD	- Biochemical Oxygen Demand
BPJ	- Best Professional Judgment
°C	- degrees Celsius
CFR	- Code of Federal Regulations
CIU	- Categorical Industrial User
CWA	- Clean Water Act (33 USC 1251 et seq.)
CWF	- Combined Wastestream Formula
DOW	- Division of Water
EPA	- Environmental Protection Agency
°F	- degrees Fahrenheit
FWA	- Flow Weighted Average
FR	- Federal Register
GC	- Gas Chromatography
GC/MS	- Gas Chromatography/Mass Spectroscopy
gpd	- gallons per day
IU	- Industrial User
l	- Liter
mg	- Milligrams
mg/l	- Milligrams per liter
NPDES	- National Pollutant Discharge Elimination System
KAR	- Kentucky Administrative Regulation
KPDES	- Kentucky Pollutant Discharge Elimination System

POTW	- Publicly Owned Treatment Works
QA	- Quality Assurance
QC	- Quality Control
RCRA	- Resource Conservation and Recovery Act
SIC	- Standard Industrial Classification
SIU	- Significant Industrial User
SWDA	- Solid Waste Disposal Act, 42 USC 6901 et seq.
TSS	- Total Suspended Solids
TTO	- Total Toxic Organics
USC	- United States Code

(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12)

USE OF PUBLIC SEWERS

§ 50.010 MANDATORY SEWER CONNECTIONS.

(A) The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the city, is hereby required at the owner's expense to install suitable plumbing facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this chapter, within 60 days after date of official notice to do so, provided that said public sewer is within 200 feet (61 meters) of the property line.

(B) Sanitary sewer service will be available to any parcel within the city limits so long as the city deems that such service will not hydraulically overload the collection system or POTW or adversely affect the treatment operation.

(C) For residential and commercial sewer connections less than six inches in diameter which are not significant users, sanitary sewer service can be approved by the City Administrator based on the recommendation of the Public Works Director.

(D) For sanitary sewer connections of six inches in diameter or larger, any significant user or for any connection which requires pumping to the existing facilities, sanitary sewer service can only be approved by the Mayor.

(E) Where there exists parcels within the city limits that are not within a reasonable distance or do not have reasonable access to the sanitary sewer system, the city will allow extension of the system if the extension is in compliance with this chapter and is paid for by those who benefit from such extension. See §§ 50.020 through 50.023 for requirements of sanitary sewer extensions.

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

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

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.011 UNLAWFUL DISCHARGE TO STORM SEWERS OR NATURAL OUTLETS.

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

(B) It shall be unlawful to discharge to any natural outlet within the city or in any area under the jurisdiction of the city, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this chapter. No provision of this chapter shall be construed to relieve the owner of a discharge to any natural outlet of the responsibility for complying with applicable state and federal regulations governing such discharge. (Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

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

The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this chapter, and any more stringent state or federal standards promulgated pursuant to the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977, and subsequent amendments, and 40 CFR 403.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.013 DISCHARGE OF UNPOLLUTED WATERS INTO SEWER.

(A) No person(s) shall discharge or cause to be discharged, through any leak, defect, or connection any unpolluted waters such as storm water, groundwater, roof runoff or subsurface drainage to any sanitary sewer, building sewer, building drain or building plumbing. The Public Works Director or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any such pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switch-over of discharge connection shall have a dual use for removal of such water.

(B) The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources. The owner shall remove any illicit connections and make all necessary repairs no later than sixty days after being notified of such illicit connections. The city may suspend water service to any building where an illicit connection has not been removed within the specified time.

(Ord. 96-03, passed 3-11-96; Am. Ord. 2017-09, passed 10-9-17) Penalty, see § 50.999

§ 50.014 PROHIBITED DISCHARGES.

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

(B) A user shall not contribute the following substances to the 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 the wastewater exhibit a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.

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

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

(4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, wood, glass, ashes, sand, cinders, unshredded garbage, paper products such as cups, dishes, napkins and milk containers, flushable wipes, etc. A user discharging any such items shall be notified by the city of the prohibited discharge and shall be assessed all costs incurred by the city for repairs, maintenance and/or replacement of the sanitary sewer. The city may take such enforcement action, including fines, fees and/or penalties as provided in § 50.110 et seq. to protect the city's sanitary sewer system.

(5) 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 40°C (104°F).

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

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

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

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

(10) Any trucked or hauled pollutants except at discharge points designated by the POTW. (Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12; Am. Ord. 2017-09, passed 10-9-17) Penalty, see § 50.999

§ 50.015 SEWER MAINTENANCE.

(A) The city shall maintain all sanitary sewers, manholes, pump stations and related appurtenances.

(B) Installation and maintenance of the building sewers and connections shall be the responsibility of the property owners.

(C) When the city constructs replacement sewers, service laterals will be constructed to the property line. It is the responsibility of the property owner to connect his/her sanitary sewer service lateral to the new service. Property owners served by a replacement sewer shall be notified in writing by the city to the date that connection to the replacement sewer must be complete.

(D) All connections to the sanitary sewer system shall be inspected by the city prior to those connections being covered or backfilled.

(E) The cost of replacing a sanitary sewer service lateral is the responsibility of the property owner. This cost includes the cost of sidewalk and street cuts and replacements. A tap fee will be assessed only if a new lateral location is chosen.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

SANITARY SEWER EXTENSIONS

§ 50.020 RESPONSIBILITY.

Where there exists parcels within the city limits that are not within reasonable distance or do not have reasonable access to the sanitary sewer system, the city will permit extension of the sanitary sewer system to serve such parcels so long as the extension of the system is paid for by those who benefit from such extension.

(A) If a sanitary sewer extension crosses only a benefitted party's property and is not expected to serve any other parties, then the total cost of the extension shall be borne by the benefitted party.

(B) If a sanitary sewer extension crosses more than one parcel or provides service to more than one party, all benefitted parties shall share in the cost of the extension.

(C) If a sanitary sewer is constructed by the city or a developer across presently undeveloped land within or without the city limits, then the city can, through a benefitted property owners agreement, grant access to the sanitary sewer system for such undeveloped properties with payment of a proportionate share of the cost of the extension and payment of appropriate tap fees. The proportionate share shall be determined by the Mayor. Owners of undeveloped land who decline the benefitted property owners agreement shall be denied access to the system for a period of five years. If the owner of undeveloped land requests access to the system following the five year period, the Mayor may approve it with payment of the appropriate tap fees.

(D) The cost of all system extensions shall include design and inspection services by the city or their designee and shall be the responsibility of the developer. The cost shall also include all on and off-site improvements to the sewer lines, pump stations, manholes or other appurtenant structures as may be required by the city.

(E) The city reserves the right, at its own expense, to increase the size of any sewer line, pump station or appurtenant structure beyond that required by a proposed development. The cost of the upgrades can, in the future, be passed to those who will benefit from the upgrade.

(F) In cases where grant money is available to the city for urban redevelopment, industrial development or other reasons, such grant money can be used to reduce or replace the cost of sanitary sewer extensions by respective property owners. Special financing arrangements by the city may be implemented through a Special Assessments Project or Special Assessments District as set forth in the Kentucky Revised Statutes to assist property owners in the funding of sewer extensions or replacements.

(Ord. 96-03, passed 3-11-96)

§ 50.021 CONDITIONS FOR APPROVAL.

(A) Where an extension is necessary to serve a residential or commercial development within the planning area boundary, both of the following criteria shall be met.

(1) There have been or are proposed major changes of an economic, physical or social nature within the sanitary sewer service area, which were not planned or constructed when the existing sanitary sewer system was constructed.

(2) The proposed extension will not adversely affect the performance capabilities of the existing sanitary sewer system.

(B) If the city finds the criteria in division (B) to be satisfied and it is so reflected in the minutes of a City Council meeting, the extension shall be approved. If the city does not find the criteria in division (B) to be satisfied, the Mayor shall notify the developer in writing and state the reasons for denying the request for extension of sanitary sewer service.

(C) Where an extension is necessary to serve a residential or commercial development outside the planning area boundary, the three following criteria shall be met:

(1) There have been or are proposed major changes of an economic, physical or social nature within the sanitary sewer service area which were not planned or constructed when the existing sanitary sewer system was constructed.

(2) The proposed extension will not adversely affect the performance capabilities of the existing sanitary sewer system.

(3) The parcel(s) is not contiguous to the planning area boundary and therefore not available for inclusion in the planning area.

(D) If the city finds the criteria in division (C) to be satisfied and it is so reflected in the minutes of a City Council meeting, the extension shall be approved. If the city does not find the criteria in division (C) to be satisfied, the Mayor shall notify the developer in writing and state the reasons for denying the request for extension of sanitary sewer service.

(E) All extensions of or connections to the sanitary sewer system shall be designed and constructed in accordance with the city's specifications and all applicable state regulations.

(F) Plans and specifications for the proposed extension shall be reviewed and approved by the city and the Kentucky Division of Water (DOW). It is the developer's responsibility to obtain a construction permit from the DOW.

(G) The developer shall submit the record drawings of the extension to the city prior to acceptance by and dedication to the city. The record drawings shall contain final construction documentation of all sanitary sewer improvements.

(H) The city reserves the right to require a 100% cash bond or letter of irrevocable credit from the developer for construction of any approved sanitary sewer extension. Such bond or letter of irrevocable credit shall be released upon the city's acceptance of the extension and its dedication to the city.

(I) A one-year warranty on all labor and materials shall be included in the extension project and shall be assigned to the city upon acceptance by and dedication to the city.

(J) All sanitary sewer line easements or rights-of-way shall be in favor of the city and be in a form acceptable by the city prior to acceptance by and dedication to the city.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.022 APPLICATION FOR EXTENSION.

The developer shall file an application (available from the city) with the city that contains the following information:

(A) Name and address of potential customer(s)/owner;

(B) Name and address of contact person;

(C) Legal description of the property;

(D) Identification of the type (residential, commercial, institutional or industrial) and size of the proposed development. State the number of proposed housing units or number of employees and the projected amount of wastewater flow;

(E) Drawings that contains the tract boundary, amount of acreage, proposed street and lot locations, expected land uses, zoning designations, location of requested sanitary sewer service, existing adjacent roads, north arrow and a set of the construction drawings and specifications for proposed sewer extensions.

(Ord. 96-03, passed 3-11-96)

§ 50.023 EXEMPTIONS.

The city may permit deviations from the extension requirements in special instances and under special circumstances. Such action shall be noted in the minutes of the City Council meeting.

(Ord. 96-03, passed 3-11-96)

PRIVATE WASTEWATER DISPOSAL**§ 50.030 PUBLIC SEWER NOT AVAILABLE.**

(A) Where a public sanitary sewer is not available under the provisions of §§ 50.010 through 50.015, the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Marion County Health Department and all applicable local and state regulations.

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

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

(D) Holders of NPDES/KPDES permits excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority. (Ord. 96-03, passed 3-11-96)

§ 50.031 REQUIREMENTS FOR INSTALLATION.

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

(B) A permit for private sewage disposal systems shall not become effective until the installation is completed to the satisfaction of the local and state authorities. (Ord. 96-03, passed 3-11-96)

BUILDING SEWERS AND CONNECTIONS

§ 50.040 PERMITS.

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

(B) Installation of the building sewer shall include the cost of replacing sidewalks, curbs, gutters and streets to city specifications when necessary.

(C) All connections to the sanitary sewer system shall be inspected by the Public Works Director prior to backfilling the trench and final installation.

(D) The city shall notify the owner in writing of the date that connection to the sanitary sewer system is available for use.

(E) Users shall promptly notify in writing the city at least 30 days in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The city may deny or condition the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.

(F) No person(s) shall uncover, plug or make any connection with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining permission from the city. (Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.041 PROHIBITED CONNECTIONS.

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

(B) Floor, basement, or crawl space drains which are lower than ground surfaces surrounding the building shall not be connected to the building sanitary sewer. No sanitary inlet which is lower than six inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sewer or service line. (Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.042 DESIGN AND INSTALLATIONS

(A) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway. The sewer from the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

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

(C) Extension of a building sewer 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 building sewer shall meet requirements of state plumbing code, latest revisions.

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

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

(G) The owner shall ensure that all excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.

(H) In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer.

(I) The building sewer shall be connected into the public sewer at the right-of-way or property line and the owner must install at a point prior to the tap an approved back water valve in order to prevent a sewer backup into the private owner's dwelling. Where no connection exists at the right-of-way or property line, the Public Works Director shall designate a point at which a connection can be made to the city sewer. The property owner or property owner's representative must secure all permits necessary to block the street, remove the pavement and make the necessary excavation to permit connection to the city sewer. If the roadway is state maintained, the property owner must secure the necessary encroachment permit for the Kentucky Department of Transportation. Street replacement is the responsibility of the property owner and shall be according to the respective state or local specifications.

(Ord. 96-03, passed 3-11-96; Am. Ord. 96-07, passed 6-10-96) Penalty, see § 50.999

§ 50.043 INSPECTION.

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

(B) All building sewers shall be inspected and approved by the local Health Department.
(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.044 GREASE TRAPS.

(A) All new or extensively remodeled public facilities engaged in the manufacture, processing, preparation, or service of food and food products shall install a grease trap approved by the Public Works Director.

(B) All wastewater drain piping from food processing equipment, sinks, dishwashers, and floor drains located in food preparation and processing areas shall be separated from other wastewater piping and shall discharge to the grease trap prior to entering the sanitary sewer system.

(C) (1) The minimum liquid capacity of the grease trap shall be based on the total design daily waste flow for the facility served. The minimum capacity shall be as follows:

<i>Grease Trap Capacity</i>	<i>Design Daily Waste Flow</i>
150 gallons	1 to 4,000 GPD
300 gallons	4,001 - 8,000 GPD
500 gallons	> 8,000 GPD

(2) The design daily waste flow shall be determined based on the guidelines provided in the state regulations for On-Site Disposal Systems (902 KAR 10:081 and 10:085)

(D) Grease traps shall be installed as close as practicable to the source of the wastewater and located outside of the facility unless approval is granted by the Public Works Director.
(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.045 LIABILITY OF CITY FOR DAMAGES.

The city shall not be liable for any damage to any customer of the sewer utility service furnished by the city due to backflow of the sewerage system, failure of supply, interruption of service or any other cause outside the direct control of the city. It is the customer's responsibility to clear any blockage, maintain, repair and/or replace the lateral section of the sewer line extending from the building to the city sanitary sewer. The city shall not be liable for any damage to any sewer customer due to sewage backflow resulting from blockage or damage to the lateral sewer line connecting the building to the main sewer line. The City Administrator may require, at his/her discretion, that the building owner install a check valve to prevent backflow and/or backup of wastewater. All costs and expenses associated with installation of a check valve shall be borne by the owner(s).
(Ord. 2017-09, passed 10-9-17)

POLLUTANT DISCHARGE LIMITS

§ 50.050 GENERAL CONDITIONS.

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

(Ord. 96-03, passed 3-11-96)

§ 50.051 RESTRICTED DISCHARGES.

(A) The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations which meet the conditions in § 50.050:

(1) Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin;

(2) Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of 100 milligrams per liter (100 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150°F (0-65°C);

(3) 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;

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

(5) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the city in compliance with applicable state or federal regulations;

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

(7) Any wastewater with objectionable color which cannot be removed to an acceptable level within the operation of the wastewater treatment process unless otherwise specifically noted in the industrial user permit;

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

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

(10) Any water or wastes which have characteristics based on a 24-hour composite sample, grab or a shorter period composite sample, if more representative, that exceed the following normal maximum domestic wastewater parameter concentrations:

<i>Parameter</i>	<i>Maximum Allowable Concentration Without Surcharges</i>
BOD	250 mg/l
COD	350 mg/l
TSS	250 mg/l
Phosphorus, Total as P	14 mg/l
NH3-N	25 mg/l
Oil and grease	100 mg/l

(B) Any person discharging wastewater exceeding the maximum allowable concentration as noted above, will be subject to a surcharge fee for each pound loading over and above the set limit, provided such fee is in excess of \$10. Surcharge fees that are calculated to be less than this amount will be issued at the city's discretion. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Wastewater Discharge Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition of this chapter if the appropriate surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

(C) All surcharge fees will be set by the city and will be clearly defined in the industrial user permit.

(D) The City Administrator is authorized to establish local limits pursuant to 40 CFR 403.5(c). The following limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system subject to any compliance schedule as established in the industrial user permit. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or federal regulations. Based upon the sampling program at the Lebanon Wastewater Treatment Plant, the limitations may be adjusted to reflect the POTW's needs. These local limits are established to protect against pass through and interference. Additional and/or more stringent limits may be necessary if any pass through and/or interference are detected.

<i>Parameter</i>	<i>Maximum Daily Concentration</i>
Arsenic	0.34 mg/l
Cadmium	0.07 mg/l
Chromium (Total)	1.71 mg/l
Chromium (Hexavalent)	0.38 mg/l
Copper	0.71 mg/l
Cyanide (Amenable)	0.21 mg/l
Lead	0.35 mg/l
Mercury	0.0092 mg/l
Molybdenum	1.38 mg/l
Nickel	0.89 mg/l
Selenium	0.14 mg/l
Silver	0.37 mg/l
Zinc	1.48 mg/l

(E) The city has received authority through the U.S. EPA and state statutes to enforce the requirements of 40 CFR Chapter I, Subchapter N, Parts 405-471 and 40 CFR Part 403. All users shall comply with the requirements of those regulations. The Superintendent and/or his or her designee may require the development of best management practices (BMPs), by ordinance or in individual wastewater discharge permits to implement local limits and the requirements of this chapter. (Ord. 96-03, passed 3-11-96; Am. Ord. 96-07, passed 6-10-96; Am. Ord. 01-03, passed 7-9-01; Am. Ord. 2012-01, passed 3-12-12; Am. Ord. 2015-11, passed 1-11-16) Penalty, see § 50.999

§ 50.052 DILUTION OF WASTEWATER DISCHARGE.

No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any pollutant specific limitation developed by the city or state. (Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.053 GREASE, OIL, AND SAND INTERCEPTORS.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the city, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the City Administrator or Public Works Director and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal. The city may require reporting of such information for their review. Any removal and hauling of the collected materials 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. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.054 SPECIAL INDUSTRIAL PRETREATMENT REQUIREMENTS.

(A) Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial discharges 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) Where pretreatment or flow equalizing facilities are provided or required for any waters or wastes, the industry shall be solely responsible for the continued maintenance in satisfactory and effective operation of such facilities and at their expense. The city may agree to assume these responsibilities if proper and appropriate arrangements for reimbursement of costs are made.

(C) (1) Any person who transports septic tank, seepage pit or cesspool contents, liquid industrial waste or other batch liquid waste and wishes to discharge such waste to the public sewer system shall first have a valid trucker's discharge permit. All applicants for a trucker's discharge permit shall complete the application form, pay the appropriate fee, and receive a copy of the city's regulations governing discharge to sewers of liquid wastes from trucks. All persons receiving such permits shall agree, in writing, to abide by all applicable provisions of this chapter, and any other special provisions that may be established by the city as necessary for the proper operation and maintenance of the sewerage system.

(2) In addition any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the Chief Operator a sample of each load prior to discharge. A fee and payment schedule shall be established in the permit to cover cost of the required analysis.

(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 city for such purpose.

(4) Any liquid waste hauler illegally discharging to the public sewer system or discharging wastewater not authorized in the permit shall be subject to immediate revocation of discharge privileges and further subject to the penalties and enforcement actions prescribed in § 50.999 including fines and imprisonment.

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

(6) Nothing in this chapter shall relieve waste haulers of the responsibility for compliance with county Health Department, state, or federal regulations.
(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.055 PROTECTION FROM ACCIDENTAL AND SLUG DISCHARGES.

(A) *Required.*

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

- (a) Description of discharge practices;
- (b) Description of stored chemicals;
- (c) Procedures for notifying POTW; and
- (d) Prevention procedures for spills.

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

(B) *Written notice.* Within five days following an accidental discharge, the user shall submit to the city a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article, the enforcement response plan or other applicable law.

(C) *Notice to employees.* A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.
(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.056 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. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.057 CITY'S RIGHT OF REVISION.

The city reserves the right at the recommendation of the City Administrator, or his designee to establish more stringent limitations or requirements on discharges to the POTW, if deemed necessary, to comply with the objectives presented in this chapter.
(Ord. 96-03, passed 3-11-96)

§ 50.058 FEDERAL CATEGORICAL PRETREATMENT STANDARDS.

Upon promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this chapter for sources in that subcategory, shall immediately supersede the limitations imposed under this chapter. (Ord. 96-03, passed 3-11-96)

PRETREATMENT PROGRAM ADMINISTRATION**§ 50.065 WASTEWATER DISCHARGES.**

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

(B) Any agency, non-domestic user, and/or industry outside the jurisdiction of the city that desires to contribute wastewater to the POTW must execute (through an authorized representative) an interjurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this chapter and state and federal regulations. An industrial user permit may then be issued by the city in accordance with § 50.066.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.066 INDUSTRIAL WASTEWATER DISCHARGE PERMITS.

(A) *General.* All significant industrial users proposing to connect to or contribute to the POTW shall obtain an industrial wastewater discharge permit before connecting to or contributing to the POTW.

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

(1) Name, address, and location if different from the address;

(2) SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1972, as amended;

(3) Wastewater constituents and characteristics as determined by an analytical laboratory acceptable the city; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 307(g) of the Act and contained in 40 CFR, Part 136, as amended;

(4) Time and duration of contribution;

(5) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variation, if any;

(6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewers 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 the city, state or federal pretreatment standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional pretreatment is required for the user to meet applicable pretreatment standards;

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

(b) The following conditions shall apply to this schedule:

1. The schedule must be acceptable to the city;

2. 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;

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

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

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

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

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

(14) A copy of the industry's written environmental control program, comparable document, or policy.

(C) *Issuance.*

(1) The city shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the City Administrator or his or her designee may issue an industrial wastewater discharge permit subject to terms and conditions provided herein. The industrial wastewater discharge permit must be issued prior to commencement of discharge. The Superintendent may withhold or discontinue sewer service until the discharge permit is issued. All new source categorical industries shall be capable of achieving compliance with this chapter upon commencement of discharge.

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

(a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(b) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the permit.

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

(d) If the City Administrator fails to act within 30 days of receipt of the appeal, a request for reconsideration shall not be deemed to be denied. Decisions not to reconsider a permit, not issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.

(e) Aggrieved parties seeking judicial review of the final administrative action and/or the permit must do so by filing a complaint with the Marion County Circuit Court in accordance with the appropriate procedures to that court and any statute of limitations.

(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.067 PERMIT MODIFICATIONS.

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

(A) To incorporate any new or revised federal, state or local Pretreatment Standards or Requirements;

(B) To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of the individual wastewater discharge permit issuance;

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

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

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

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

(G) Revision of or a grant of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13; or

(H) To correct typographical or other errors in the discharge permit.
(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.068 PERMIT CONDITIONS.

(A) Industrial wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other applicable regulations, user charges and fees established by the city.

(B) Permits may contain the following:

(1) The unit surcharges or schedule of other charges and fees for the wastewater to be discharged to a community sewer;

(2) Effluent limits, including best management practices (BMPs), on the average and/or maximum wastewater constituents and characteristics;

(3) Limits on average and/or 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 location; frequency of sampling, number, type and standards for tests; and reporting schedule;

(6) Compliance schedules;

(7) Requirements for submission of technical reports or discharge reports;

(8) Requirements for maintaining and retaining, for a minimum of three years, all plant records relating to pretreatment and/or wastewater discharge as specified by the city, and affording the city access thereto as required by 40 CFR 403: 12(o)(2);

(9) Requirements for notification of the city or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;

(10) Requirements for notification of slug discharges;

(11) The permit may require the user to reimburse the city for all expenses related to monitoring, sampling and testing performed at the direction of the city and deemed necessary by the city to verify that the user is in compliance with said permit;

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

(13) A statement that indicates the industrial user permit issuance date, expiration date and effective date;

(14) A statement that the industrial user permit is nontransferable;

(15) Requirements to control slug discharge, if determined by the Superintendent, to be necessary; and

(16) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state or local law. (Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.069 ALTERNATIVE DISCHARGE LIMITS.

(A) Where an effluent from a categorical industrial process(es) is mixed prior to treatment with wastewater other than that generated by the regulated process, fixed alternative discharge limits may be derived for the discharge permit by the city. These alternative limits shall be applied to the mixed effluent and shall be calculated using the combined wastestream formula and/or flow-weighted average formula as defined in § 50.002.

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

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

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.070 PERMIT DURATION.

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 60 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the city during the term of the permit as limitations or requirements as identified in §§ 50.050 through 50.088 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. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.071 PERMIT TRANSFER.

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

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.072 COMPLIANCE DATA REPORTING.

(A) Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new user, following commencement of the introduction of wastewater into the POTW, any user subject to Federal Categorical Pretreatment Standards and Requirements shall submit, to the City Administrator, a report indicating the nature and concentration of all pollutants in the discharge from regulated process which are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Categorical Pretreatment Standards or Requirements. The report shall state whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user.

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

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

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

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

(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.073 PERIODIC COMPLIANCE REPORTS.

(A) All significant industrial users shall submit, to the city, every six months (on dates specified in the industrial wastewater discharge permit) unless required more frequently by the permit, a report indicating, at a minimum, the nature and concentration, of pollutants in the effluent which are limited by such Pretreatment Standards or the discharge permit. The report shall also include the chain-of-custody (COC) forms, field data and any other information required by the City Administrator. In addition, this report shall include, a record of all daily flows or the average daily flow. At the discretion of the City Administrator and in consideration of such factors as local high or low flow periods, holidays, budget cycles, etc., the City Administrator may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports must be signed and certified in accordance with 40 CFR 403.12 and § 50.081.

(B) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of the user to keep its monitoring facility and equipment in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. All analyses shall be performed by a laboratory acceptable to the city. Analytical procedures shall be in accordance with procedures established by the U.S. EPA Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR Part 136 and amendments thereto and 40 CFR 261 or with any other test procedures approved by the U.S. EPA Administrator. Sampling shall be performed in accordance with the techniques approved by the U.S. EPA Administrator. Except as indicated in division (B)(1) and (2) below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City Administrator. When time-proportional composite sampling or grab sampling is authorized by the City Administrator, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab

samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the composting procedures as documented in approved EPA methodologies may be authorized by the City Administrator, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

(1) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

(2) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City Administrator may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

(C) Where 40 CFR Part 136 does not include a sampling or analytical technique for the pollutant(s) in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the U.S. EPA Administrator.

(D) A Baseline Monitoring Report (BMR) must be submitted to the city by all categorical industrial users at least 90 days prior to initiation of discharge to the sanitary sewer. The BMR must contain, at a minimum, the following:

(1) *Production data.* A process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.

(2) *Identifying information.* Information shall include name, address of facility, owner(s), contact person and any other permits held by the facility.

(3) *Wastewater characteristics.* Total plant flow, types of discharges, average and maximum flows from each process.

(4) *Nature/concentration of pollutants.* Analytical results for all pollutants regulated by this chapter and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR Part 136 and amendments thereto.

(5) *Equipment.* Information concerning any pretreatment equipment used to treat the facility's discharge.

(6) *Compliance certification.* A statement, reviewed by the user's authorized representative as defined in § 50.002 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

(7) *Compliance schedule.* If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this section must meet the requirements set out in division (F) below.

(E) New sources shall give estimates of the information requested in division (D)(1) and (3) above, but at no time shall a new source commence discharge(s) to the public sewer of substances that do not meet provisions of this chapter. All new sources must be in compliance with all provisions of this chapter, state and federal pretreatment regulations prior to commencement of discharge to the public sewer.

(F) *Compliance schedule progress reports.* The following conditions shall apply to all compliance schedules required by this chapter:

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

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

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

(G) Users subject to the reporting requirements of this chapter shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements and documentation associated with best management practices as may be required. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the sample; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three years. This period shall automatically be extended for the duration of any litigation concerning the user or the city or where the user has been specifically notified of a longer retention by the City Administrator. (Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.074 PERMIT VIOLATIONS.

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

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

(C) Compliance with the terms of an industrial wastewater discharge permit shall be deemed in compliance with the terms of this chapter.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.075 MONITORING.

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

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

(3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the city's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following approval of the location, plans and specifications.

(B) All monitoring results collected by the city shall be summarized and forwarded to the industrial user for their review and signature. Self-monitoring results required by the permit and obtained by the industry are due the 20th of the month following the month during which the analyses are required. Each report is to be accompanied by a copy of the laboratory analysis sheets and a copy of the chain of custody.

(C) All sampling analyses collected from an approved monitoring point and in accordance with EPA procedures for the purposes of demonstrating compliance with the wastewater contribution permit shall be submitted to the city with the required monitoring report.

(D) Where only one sample per month or less is required then that sample becomes the monthly average and must meet the monthly average limit noted in the permit.

(E) To obtain a more accurate result for monthly averaging the permittee has the option to monitor the discharge at a greater frequency than required in the permit. However, all analysis obtained by such monitoring shall be included in the monthly average calculation and the results submitted to the city.

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

(G) The industrial user must receive the approval of the city before changing the sampling point and/or monitoring facilities to be used in all required sampling.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.076 INSPECTION AND SAMPLING.

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

(B) The city, state, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the city, state, and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.077 PRETREATMENT.

All significant industrial users shall provide necessary wastewater treatment as required to comply with this chapter and achieve compliance with any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. The city may require the development of a compliance schedule for installation of pretreatment technology and/or equipment by any industrial user that cannot meet discharge limits required by this chapter. Any facilities required to pretreat wastewater to a level required by this chapter shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the city for review, and shall be acceptable to the city before construction of the facility. The review of such plans and operating procedures will in no way relieve

the user from the responsibility of modifying the facility as necessary to produce an effluent that complies with the provisions of this chapter. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the city prior to the user's initiation of the changes.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.078 ANNUAL PUBLICATION.

(A) The city shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of significant users which were in significant noncompliance with any pretreatment requirements or standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(B) All records relating to the city's pretreatment program shall be made available to officials of the EPA or Approval Authority upon request. All records shall be maintained for a minimum of three years in accordance with 40 CFR 403.12(O)(2).

(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.079 SIGNIFICANT NON-COMPLIANCE.

A user is defined as being in significant non-compliance when it commits one or more of the following conditions:

(A) Causes imminent endangerment to human health or environment or results in the exercise of emergency authority under 40 CFR 403 to halt or prevent such a discharge;

(B) Involves failure to report noncompliance accurately;

(C) Results in a chronic violation defined here as 66% or more of all measurements taken during a six month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(D) Results in a Technical Review Criteria (TRC) Violation defined here as 33% or more of all measurements for each pollutant parameter taken during a six month period that equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, and O&G and 1.2 for all other pollutants except pH);

(E) Any violation of a pretreatment effluent limit that the city determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;

(F) Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the POTW's use of its emergency authority to halt or prevent such a discharge;

(G) Violations of compliance schedule milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by 90 days or more after the schedule date;

(H) Failure to provide required reports within 30 days of the due date; and

(I) Any violation or group of violations which may include a violation of best management practice, which the City Administrator determines will adversely affect the operation of implementation of the local pretreatment program.

(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

§ 50.080 CONFIDENTIAL INFORMATION.

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

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

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.081 SIGNATORY REQUIREMENTS.

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

(A) All permit applications shall be signed:

(1) *For a corporation.* By a principal executive officer of at least the level of vice-president.

(2) *For a partnership or sole proprietorship.* By a general partner or the proprietor, respectively.

(B) All other correspondence, reports and self-monitoring reports shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

(1) The authorization is made in writing by a person described above;

(2) The authorization specifies either an individual or a position having facility or activity, such as the position of plant manager, superintendent or position of equivalent responsibility.

(C) *Certification.*

(1) Any person signing a document under this section shall make the following written certification:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person(s) who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(2) A facility determined to be a Non-Significant Categorical Industrial User by the City Administrator pursuant to §§ 50.001 and 50.002 must annually submit the following certification statement signed in accordance with the signatory requirements in this section. This certification must accompany any alternative report required by the City Administrator:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR [Part], I certify that, to the best of my knowledge and belief that during the period from [month/day], [year] to [month/day], [year]:

- (a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in § 50.002 of this chapter.
- (b) The facility complied with all applicable Pretreatment Standards and Requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.”

(3) Users that have an approved monitoring waiver based on § 50.068 must certify each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the user:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [Part], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant] in the wastewaters due to the activities at the facility since filing of the last periodic report as required by § 50.068.”

(Ord. 96-03, passed 3-11-96; Am. Ord. 2012-01, passed 3-12-12) Penalty, see § 50.999

FEES

§ 50.090 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 city's schedule of charges and fees.

(Ord. 96-03, passed 3-11-96)

§ 50.091 CHARGES AND FEES.

(A) The city may adopt charges and fees which may include:

- (1) Fees for reimbursement of costs of setting up and operating the city's pretreatment program;
- (2) Fees for monitoring, inspections, and surveillance procedures;
- (3) Fees for reviewing accidental discharge procedures and construction;
- (4) Fees for permit applications;
- (5) Fees for filing appeals;
- (6) Fees for consistent removal by the POTW of excessive strength conventional pollutants;
- (7) Other fees as the city may deem necessary to carry out the requirements contained herein.

(B) These fees relate solely to the matters covered by this chapter and are separate from all other fees chargeable by the city.
(Ord. 96-03, passed 3-11-96)

POWERS AND AUTHORITY OF INSPECTORS

§ 50.100 RIGHT TO ENTER PREMISES.

The Public Works Director and other duly authorized employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be permitted to enter all properties 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. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.101 RIGHT TO OBTAIN INFORMATION REGARDING DISCHARGE.

The Public Works Director and other duly authorized employees and representatives of the city and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification are authorized to obtain information including but not limited to copying of records concerning character, strength and quantity of industrial wastes which have a direct bearing on the kind and source of discharge to the wastewater collection system.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.102 ACCESS TO EASEMENTS.

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

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.103 SAFETY.

While performing the necessary work on private properties referred to in § 50.102, all duly authorized employees of the city shall observe all safety rules applicable to the premises established by

the company. The company shall be held blameless for injury or death to city employees. The city shall secure the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this chapter.
(Ord. 96-03, passed 3-11-96)

ENFORCEMENT**§ 50.110 ENFORCEMENT.**

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

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

(C) Any user notified of a suspension of the wastewater treatment service and/or the industrial wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the city shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The city shall reinstate the industrial wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the 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 city within 15 days of the date of occurrence.

(Ord. 96-03, passed 3-11-96) Penalty, see § 50.999

§ 50.111 NOTICE OF VIOLATION.

(A) Any user found to be violating any provisions of this chapter, wastewater permit, or any order issued hereunder, shall be served by the city with written notice stating the nature of the violation(s). Within 10 days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the city. Submission of this plan in no way relieves the user of potential liability for any violation occurring before or after receipt of the notice of violation.

(B) If the violations persist or the explanation and/or plan are not adequate, the city's response shall be more formal and commitments (or schedules as appropriate) for compliance will be established in an enforceable document. The enforcement response selected will be related to the seriousness of the violation. Enforcement responses will be escalated if compliance is not achieved expeditiously after the initial action. A significant noncompliance as defined in § 50.079, will require a formal enforcement action.

(C) The full scale of enforcement actions will be as detailed in the Enforcement Response Plan. (Ord. 96-03, passed 3-11-96)

§ 50.112 ADMINISTRATIVE ORDERS.

(A) Any user who, after receiving a notice of violation, shall continue to discharge in violation of this chapter or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be a significant violator, shall be ordered to appear before the city. At said appearance, a compliance schedule will be given to the non-conforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis which shall consider the type and severity of violations, duration of violation, number of violations, severity of impact on the POTW, impact on human health, users economic benefit from violation, history of violations, good faith of the user, and shall be a non-arbitrary but appropriate amount.

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

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

(2) *Compliance orders.* When the city or its designee finds that an industrial user has violated or continues to violate the chapter or a permit or order issued thereunder, the city may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(3) *Cease and desist orders.* When the city finds that an industrial user has violated or continues to violate this chapter or any permit or order issued hereunder, the city may issue an order to cease and desist all such violations and direct those persons in noncompliance to (a) comply forthwith, or (b) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

(Ord. 96-03, passed 3-11-96)

§ 50.113 SHOW CAUSE HEARING.

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

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

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

(2) Take the evidence;

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

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

(D) After the city has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.
(Ord. 96-03, passed 3-11-96)

§ 50.114 ADDITIONAL ENFORCEMENT REMEDIES.

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

(B) *Liability insurance.* The city may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this chapter or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
(Ord. 96-03, passed 3-11-96)

§ 50.115 REMEDIES NOT EXCLUSIVE.

The enforcement actions and remedies provided for in this chapter are not exclusive. The City Administrator may take any, all, or combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's Enforcement Response Plan. However, the City Administrator may take other action(s) against any user when the circumstances warrant. Further the City Administrator is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 2012-01, passed 3-12-12)

§ 50.999 PENALTY.*(A) Written notice.*

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

(2) As contained in §§ 50.110 through 50.114, the notice may be of several forms. Also as contained in §§ 50.110 through 50.114, penalties of various forms may be levied against users for violations of this chapter. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative fines of up to \$1,000 per day per violation.

(B) Revocation of permit.

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

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

(a) Failure of a user to factually report the wastewater constituents and characteristics of his 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.

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

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

(E) *Injunctive relief.* Whenever an industrial user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the city through counsel may petition the court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the industrial user.

(F) *Civil penalties.*

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

(2) The city may petition the court to impose, assess and recover such sums. In determining amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions by the industrial user, the compliance history of the user, and any other factors as justice requires.

(G) *Criminal prosecution.*

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

(2) Any industrial user who knowingly and/or negligently makes any false statements, representation or certification of any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter, or industrial user 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 \$5,000 or by imprisonment for not more than 12 months, or by both.

(3) In the event of a second conviction, the user shall be punishable by a fine not to exceed \$10,000 per violation per day or imprisonment for not more than three years or both.
(Ord. 96-03, passed 3-11-96)

CHAPTER 51: WATER

Section

Water Rates

51.01 Rate schedule

Water Shortage Regulations

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WATER RATES

§ 51.01 RATE SCHEDULE.

(A) All persons who use the waterworks facilities of the city within the city limits shall be charged and shall pay the following rates for water:

UNIFORM MINIMUM WATER RATE SCHEDULE	
Meter Charge*	\$9.02 per month
O&M Charge**	\$3.77 per 100 cubic feet
* Minimum bill per water meter regardless of the amount of water used each month. ** Rate for all water used over zero cubic feet each month.	

(B) By formal action, the Board of Directors of the Lebanon Water Works Company, Inc., may impose an adjustment, not to exceed 2% per annum, without the advance approval by the City Council. This annual adjustment would not apply to any wholesale customer. This annual adjustment may be effective on a fiscal-year basis commencing July 1, 2023.

(C) All users whose service is provided through a meter located outside the municipal limits of the city shall pay 110% of the applicable charge provided for under the uniform minimum water rate schedule set out above. The Marion County Water District has a wholesale rate that is not dictated by this section; its users shall pay those charges set forth in the tariff approved by the Public Service Commission (PSC).

(Ord. 610.1, passed 4-10-72; Am. Ord. 91-8, passed 8-28-91; Am. Ord. 96-16, passed 1-13-96; Am. Ord. 07-04, passed 2-15-07; Am. Ord. 2013-02, passed 4-17-13; Am. Ord. 2017-06, passed 9-11-17; Am. Ord. 2019-05, passed 7-9-19; Am. Ord. 2021-05, passed 6-14-21; Am. Ord. 2022-07, passed 8-8-22)

WATER SHORTAGE REGULATIONS

§ 51.15 PURPOSE.

The purpose of this subchapter is to provide for the declaration of official phases of water supply shortage situations and the implementation of voluntary and mandatory water conservation measures throughout the service area of the Lebanon Water Works Company, Inc. in the event a shortage is declared. Nothing in this subchapter shall be construed to interfere with common law riparian or statutory water rights.

(Ord. 87-11, passed 11-13-87)

§ 51.16 DEFINITIONS.

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

CUSTOMER. Any person or entity using water for any purpose from the Lebanon Water Works Company, Inc.'s water distribution system and for which either a regular charge is made or, in the case of bulk sales, a cash charge is made at the site of delivery. For so long as the Marion County Water District shall purchase from the Lebanon Water Works Company, Inc. all or any part of the water furnished to its subscribing consumers, then the term "customer" shall include both the Marion County Water District, and each person or entity being served by or through said District unless such person or entity is served exclusively with water procured from a source other than the Lebanon Water Company, Inc.

OTHER SOURCES OF WATER. Water that has not been introduced by the Lebanon Water Works Company, Inc. into its water distribution system.

RAW WATER SUPPLIES. All water potentially available to persons within the service area of Lebanon Water Works Company, Inc.

TREATED WATER. Water that has been introduced by the Lebanon Water Works Company, Inc. into its water distribution system, including water offered for sale. Uses of treated water are classified as follows:

(1) *Essential Water Uses (Class 1).* The following uses of water, listed by site or user type, are essential.

(a) *Domestic.* Water necessary to sustain human life and the lives of domestic pets, and to maintain minimum standards of hygiene and sanitation.

(b) *Health care facilities.* Patient care and rehabilitation.

(c) *Public use.* Firefighting, health and public protection purposes, if specifically approved by health officials and the municipal governing body.

(2) *Socially or economically important uses of water (Class 2).* The following uses of water, listed by site or user type, are socially economically important.

(a) *Domestic.* Personal, in-house water use including kitchen, bathroom and laundry.

(b) *Water hauling.* Sales for domestic use where not reasonably available elsewhere.

(c) *Commercial and civic use.*

1. Laundromats.

2. Restaurants, clubs and eating places.

3. Schools, churches, motels/hotels and similar commercial establishments.

(d) *Outdoor non-commercial watering.*

1. Minimal watering of vegetable gardens.

2. Minimal watering of trees where necessary to preserve them.

(e) *Outdoor commercial or public watering (using conservation methods and when other sources of water are not available or feasible to use.*

1. Agricultural irrigation for the production of food and fiber or the maintenance of livestock.

2. Watering by arboretums and public gardens of national, state, regional or community significance where necessary to preserve specimens.

3. Watering by commercial nurseries at a minimum level necessary to maintain stock.

4. Watering at a minimum rate necessary to establish or maintain vegetation or landscape plantings required pursuant to law or regulation.

5. Watering of woody plants where necessary to preserve them.

6. Minimal watering of golf course greens.

(f) Recreational. Operation of municipal or private swimming pools that serve more than 25 dwelling units.

(g) Air conditioning.

1. Refilling for startup at the beginning of the cooling season.

2. Make-up of water during the cooling season.

3. Refilling specifically approved by health officials and the municipal governing body, where the system has been drained for health protection or repair services.

(3) *Non-Essential (Class 3)*. Any waste of water, as defined herein, is non-essential. The following uses of water, listed by site or user type, are non-essential.

(a) Public use.

1. Use of fire hydrants (excluding Class I and Class II uses), including use of sprinkler caps, testing fire apparatus and Fire Department drills.

2. Flushing of sewers and hydrants except as needed to ensure public health and safety as approved by health officials and the municipal governing body.

(b) Water hauling. Non-domestic, when other sources are not reasonably available elsewhere.

(c) Commercial and civic use.

1. Commercial car and truck washes.

2. Serving water in restaurants, clubs, or eating places except by customer request.

3. Failure to repair a controllable leak increasing water levels in scenic and recreational ponds and lakes, except for the minimum amount required to support fish and wildlife.

(d) Ornamental purposes. Fountains, reflecting pools and artificial waterfalls.

(e) Outdoor watering.

1. Use of water for dirt control or compaction.
2. Watering of annual or non-woody plants, lawns, parks, golf course fairways, playing fields and other recreational areas.
3. Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas.
4. Washing down buildings or structures for purposes other than immediate fire protection.
5. Flushing gutters or permitting water to run or accumulate in any gutter or street.

(f) Outdoor commercial or public watering:

1. Expanding nursery facilities, placing new irrigated agricultural land in production, or planting of landscaping except when required by a site design review process.
2. Use of water for dirt control or compaction.
3. Watering of lawns, parks, golf course fairways, playing fields and other recreational areas.
4. Washing sidewalks, walkways, driveways, parking lots, tennis courts or other hard-surface areas.
5. Washing down buildings or structures for purposes other than immediate fire protection.
6. Flushing gutters or permitting water to run or accumulate in any gutter or street.

(g) Recreational uses other than those specified as Class II.

(h) Non-commercial washing of motor and other vehicles.

(i) Air conditioning (see also Class II purposes). Refilling cooling towers after draining.

WASTE OF WATER. Includes, but is not limited to permitting water to escape down a gutter, ditch, or other surface drain, or failure to repair a controllable leak of water due to defective plumbing.

WATER SHORTAGE RESPONSE PHASES.

(1) ***ADVISORY.*** Conditions exist which indicate the potential for serious water supply shortages.

(2) ***ALERT.*** Raw water supplies are consistently below seasonal averages, and if they continue to decline, may not be adequate to meet normal needs.

(3) ***EMERGENCY.*** Water supplies are below the level necessary to meet normal needs and serious shortages exist in the area.
(Ord. 87-11, passed 11-13-87)

§ 51.17 DECLARATION OF WATER SHORTAGE ADVISORY.

Whenever the governing board of the Lebanon Water Works Company, Inc. finds that a potential shortage of raw water supplies is indicated, it shall be empowered to declare by resolution that a Water Shortage Advisory exists, and that the Superintendent of the Lebanon Water Works Company, Inc. shall, on a daily basis, monitor the supply and demands upon that supply. In addition, the Superintendent is authorized to call upon all water customers to employ voluntary water conservation measures to limit non-essential (Class 3) water use and eliminate the waste of water. This subchapter shall be published in the official city newspaper and may be publicized through the general news media or any other appropriate method for making such resolutions public.
(Ord. 87-11, passed 11-13-87)

§ 51.18 DECLARATION OF WATER SHORTAGE ALERT.

Whenever the governing Board of the Lebanon Water Works Company Inc. finds raw water supplies to be consistently below seasonal averages, and, if they continue to decline, to be inadequate to meet normal needs, it shall be empowered to declare by resolution that a water shortage alert exists. The Board shall continue to encourage voluntary water conservation measures defined under the advisory declaration, and further shall impose a ban on all non-essential (Class 3) water uses for the duration of the shortage until it is declared to have ended by resolution of the Board. Publication of these resolutions shall follow the guidelines in § 51.17.
(Ord. 87-11, passed 11-13-87)

§ 51.19 DECLARATION OF WATER SHORTAGE EMERGENCY.

Whenever the governing Board of the Lebanon Water Works Company, Inc. finds that raw water supplies are below the level necessary to meet normal needs and that serious shortages exist, it shall be empowered to declare by resolution that a Water Shortage Emergency exists. Essential uses (Class 1) shall be identified, in specific, as targets for voluntary conservation initiatives. Also, all socially

or economically important uses (Class 2) shall be banned in addition to the non-essential uses (Class 3). These restrictions shall be considered ongoing until the emergency is ended by resolution of the Board. Publication of these resolutions shall follow the guidelines in § 51.17.
(Ord. 87-11, passed 11-13-87)

§ 51.20 REGULATIONS OF WATER WORKS COMPANY.

During the effective period of any water supply shortage as provided for in §§ 51.17 and 51.19, the Board of the Lebanon Water Works Company, Inc. is empowered to promulgate such regulations as may be necessary to carry out the provisions of this subchapter, and any water supply shortage resolution. Any such regulation shall be subject to the approval of the City Council of Lebanon, Kentucky, at its next regular or emergency meeting.
(Ord. 87-11, passed 11-13-87)

§ 51.21 TERMINATION FOR VIOLATION; HEARING.

Any person who violates the provisions of this subchapter, who fails to carry out the duties and responsibilities imposed by this subchapter, or who impedes or interferes with any action undertaken or ordered pursuant to this subchapter shall be subject to the following penalties.

(A) If the Lebanon Water Works Company, Inc., its Superintendent, officers, or any other city official charged with implementation and enforcement of this subchapter or a water supply shortage resolution, learns of any violation of any water use restriction imposed pursuant to this subchapter, a written notice of the violation shall be mailed, by certified mail, return receipt requested, to the customer of record or to any other person known or reasonably suspected to be responsible either for the violation or the correction thereof. The notice shall describe the violation, and the date or dates upon which such violation has occurred, and shall advise the customer that, by reason of such violation, the water service afforded that customer will, at a specified date and time, be terminated without the privilege of reconnection for a designated period not exceeding 48 hours, such termination to be subject to the following hearing procedure, and the customer shall likewise be advised in the Notice of his entitlement to request a hearing pursuant to the following:

(1) The customer who is or may be adversely affected by termination of service, or his designated representative, may, within three days of his receipt of the notice request a hearing before a hearing officer designated by the Board of the Lebanon Water Works Company, Inc. for the purpose of conducting such hearings.

(2) If a hearing is requested by such customer, then that hearing shall be scheduled forthwith, and no later than seven days from the date upon which the customer requests such a hearing, and the customer will then be given a full opportunity to be heard on the issue of termination.

(3) The hearing officer shall, upon completion of the hearing, make findings of fact and recommend to the Board of the Lebanon Water Works Company, Inc. whether cause for termination has been established.

(B) The Board of the Lebanon Water Works Company, Inc., upon receipt of a recommendation from its hearing officer that cause for termination has not been established, shall order that no termination of service shall be carried out with respect to the subject alleged violation. If the Board receives a recommendation from its hearing officer that just cause for termination has been established, then the Board may, at its discretion, order termination of service at a specified date and time and shall thereupon notify the customer in writing of that decision regarding termination of service. That advice of termination shall likewise advise the customer of the length of termination, which shall not exceed 48 hours, and the customer's privilege of applying for reinstatement of service upon payment of that reconnection fee established herein. In any case, the Board shall have the discretion to suspend termination of service upon the immediate payment of a reconnection fee in accordance with that schedule established hereunder.

(C) In the event of termination consistent with the foregoing, a fee of \$50 shall be paid for the reconnection of water service which has been terminated, and which termination has been made by reason of a first offense of the affected customer. In the event of additional and subsequent violations upon the part of that same customer, the reconnection fee to be paid shall be in the sum of \$250.

(D) In the event that any person or entity suspected of any violation of this subchapter shall be served through the facilities of the Marion County Water District, then the District's manager shall be forwarded a copy of each notice provided for herein, and the District shall be encouraged to participate in those proceedings affecting its consumer. In the event of an order of termination made with respect to a customer who is served by the District, then such termination shall be implemented by means of advice to, and in cooperation with, the officers of the District.

(Ord. 87-11, passed 11-13-87)