

ORDINANCE NO. 013-137

SUMMARY OF SEWER USE ORDINANCE

As required by the Kentucky Division of Water and US EPA, the City of Shepherdsville implements a Pretreatment Program to control discharges of industrial process wastewater to the sanitary sewer system. The City is required, as part of this program implementation, to adopt and enforce a Sewer Use Ordinance (SUO). This ordinance must meet certain requirements and must contain effluent discharge limitations, definitions and permitting procedures, among other language. The City's prior ordinance, Sewer Use Ordinance No. 992-275, has been amended several times in order to maintain compliance with changing state and federal program regulations.

Recent revisions to 40 CFR 403, the federal pretreatment program regulations, required that Ordinance No. 992-275 again be revised in order to continue in compliance. As a result, the City has determined that it is necessary for clarity and ease of understanding to adopt a new Sewer Use Ordinance and eliminate any confusion caused by an excess of amendments.

This Sewer Use Ordinance is summarized as follows:

- Article I – Includes ordinance purpose, required definitions and abbreviations;
- Article II – Includes required language regarding mandatory sewer connections, discharge of unpolluted waters and compliance with local, state and federal laws;
- Article III – Includes required language regarding instances where public sewers are not available;
- Article IV – Includes required language regarding prohibited connections, the design and installation of building sewers and inspection of sewer taps;
- Article V – Includes required language regarding prohibited and restricted wastewater discharges, establishment of local discharge limits as Federal Standards following adoption by the City Council, protection from accidental spills and slug discharges and special hauled waste requirements;
- Article VI – Includes required language regarding the issuance of Industrial User Permits to control industrial process wastewater discharges, periodic compliance reporting by industrial users, permit violations, monitoring, inspections, installation of required pretreatment systems, annual publication of violations, the definition of significant noncompliance and signatory requirements;
- Article VII – Includes required language regarding fees and charges for recovery of costs for program implementation;
- Article VIII – Includes required language regarding the authority of inspectors;

- Article IX – Includes required language regarding the enforcement actions available to the City to implement and enforce the local, state and federal requirements and includes authorization of the City's Enforcement Response Plan, as required by US EPA;
- Article X – PENALTIES

A. Written Notice

Any user found to be violating any provision of this Ordinance or a wastewater permit or order issued hereunder, shall be served by the Pretreatment Coordinator or his designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this ordinance. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative penalties of up to \$1,000.00 per day per violation or criminal prosecution as outlined herein.

B. Revocation of Permit

Any user violating any of the provisions of this ordinance 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.

Any user who violates the following conditions of this ordinance, or applicable State and Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance:

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
4. Violation of conditions of the permit.

C. Destruction of POTW

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to criminal prosecution for "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 ordinance, 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 in addition to pursuing any criminal remedies that may be available.

E. Injunctive Relief

Whenever a user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Pretreatment Coordinator, 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 user.

F. Liability

Any user violating any of the provisions of this ordinance, discharge permit or other order issued hereunder shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation. This civil liability is as provided by state and federal regulations.

G. Civil Penalties

1. Any user who has significantly violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the City for a civil penalty of not more than \$5,000.00 per violation per day plus actual damages incurred by the POTW 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 Pretreatment Coordinator 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 user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

H. Criminal Prosecution

1. Violations - General
 - a. Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than twelve (12) months. Each day in which such violation shall continue shall be deemed a separate offense.
 - b. In the event of a second conviction, the user shall be guilty of a Class D felony and shall be punished by a fine in an amount not less than

\$1,000.00 and not greater than \$10,000.00, or double his gain from City of the offense, whichever is greater or imprisonment not less than one (1) year nor more than five (5) years or both. Each day in which such violation shall continue shall be deemed a separate offense.

- c. The Pretreatment Coordinator or his designee shall have the authority to pursue criminal charges on behalf of the City in any court of competent jurisdiction in the Commonwealth of Kentucky.

I. Misrepresentation and/or Falsification of Documents

Any 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 ordinance, or Industrial User Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be guilty of a Class A misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment for not more than twelve (12) months, or by both. Each day in which such violation shall continue shall be deemed as a separate offense.

SECTION TWO: This Ordinance shall take effect upon publication.

SECTION THREE: This Ordinance shall be published according to law.

SECTION FOUR: All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of this Ordinance are repealed.

SECTION FIVE: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Shepherdsville, Bullitt County, Kentucky, on the 10th day of June 2013. Given second reading, voted upon and passed at a regular meeting of the City Council of the City of Shepherdsville, Bullitt County, Kentucky on the 24th day of June 2013.

Votes for 5;

Votes against 0;

Not voting 0.

Bernard Brown	x
Jose' Cubero	x
Dana Bischoff James	x
Clinton Kline	x
Faith Portman	
Gloria Taft	x



HONORABLE R. SCOTT ELLIS III, MAYOR

ATTEST:



TAMMY RICHMOND, CITY CLERK

CITY OF SHEPHERDSVILLE ORDINANCE NO. 013-137

AN ORDINANCE OF THE CITY OF SHEPHERDSVILLE CONCERNING USE OF THE MUNICIPAL SANITARY SEWAGE COLLECTION AND TREATMENT SYSTEM, SETTING FORTH POLICY, DEFINITIONS, RULES AND REGULATIONS REGARDING THE USE OF SAID SYSTEM, CONTROLLING PRIVATE WASTEWATER DISPOSAL, GOVERNING THE BUILDING OF SEWERS AND CONNECTIONS, POLLUTANT DISCHARGE LIMITS, PRETREATMENT PROGRAM ADMINISTRATION, ESTABLISHING THE RIGHT OF THE CITY TO CHARGE FEES FOR ADMINISTERING THE CITY'S REASONABLY NECESSARY FUNCTIONS RELATED TO SEWER USE, AND DELINEATING POWERS AND AUTHORITY OF INSPECTORS AND SETTING FORTH THE METHODS AND PROCEDURES OF ENFORCEMENT OF THE ORDINANCE AND PENALTIES FOR VIOLATION OF SAME AND REPEALING PRIOR ORDINANCE.

WHEREAS, the City of Shepherdsville has constructed sanitary sewer facilities and improved trunk lines to same; and

WHEREAS, the City of Shepherdsville has determined the need for the adoption of a Sewer Use Ordinance to properly control the wastewater to be discharged by the public into the City's sewer system, and the use of the system;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHEPHERDSVILLE, BULLITT COUNTY, KENTUCKY, that the following Ordinance shall be in effect from the date of publication hereof and until repeal and/or amendment thereof by the legislative body of the City.

TABLE OF CONTENTS

ARTICLE I - GENERAL PROVISIONS.....	5
A. Purpose and Policy	5
B. Definitions	6
C. Abbreviations.....	14
ARTICLE II - USE OF PUBLIC SEWERS	15
A. Mandatory Sewer Connections.....	15
B. Previously Developed Areas and Undeveloped Areas	15
C. Unlawful Discharge to Storm Sewers and Natural Outlets.....	15
D. Compliance with Local, State and Federal Laws	16
E. Discharge of Unpolluted Waters into Sewers	16
ARTICLE III - PRIVATE WASTEWATER DISPOSAL.....	17
A. Public Sewer Not Available.....	17
B. Requirements for Installation	17
ARTICLE IV - BUILDING SEWERS AND CONNECTIONS	19
A. Permits.....	19
B. Prohibited Connections	19
C. Design and Installations.....	20
D. Inspection.....	22
E. Performance/Warranty Surety.....	22
ARTICLE V - POLLUTANT DISCHARGE LIMITS.....	25
A. General Conditions.....	25
B. Prohibited Discharges.....	25
C. Restricted Discharges	26
D. Dilution of Wastewater Discharge	28
E. Grease, Oil and Sand Interceptors	29
F. Special Industrial Pretreatment Requirements.....	29
G. Protection from Accidental and Slug Discharge	30
H. State Requirements	31
I. City's Right of Revision	31
J. Federal Categorical Pretreatment Standards.....	31
ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION.....	32
A. Wastewater Discharge.....	32
B. Industrial User Permits.....	32
C. Permit Modifications	34

TABLE OF CONTENTS

D. Permit Conditions	34
E. Alternative Discharge Limits	35
F. Permit Duration	36
G. Permit Transfer.....	36
H. Compliance Data Reporting.....	36
I. Periodic Compliance Reports	37
J. Permit Violations	40
K. Monitoring	40
L. Inspection and Sampling.....	41
M. Pretreatment.....	41
N. Annual Publication.....	41
O. Significant Non-Compliance	41
P. Confidential Information.....	42
Q. Signatory Requirements.....	43
ARTICLE VII - FEES	44
A. Purpose.....	44
B. Charges and Fees	44
ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS	45
A. Right to Enter Premises.....	45
B. Right to Obtain Information Regarding Discharges	45
C. Access to Easements	45
D. Safety.....	45
ARTICLE IX - ENFORCEMENT	46
A. General	46
B. Notice of Violation.....	46
C. Administrative Orders	47
D. Show Cause Hearing.....	47
E. Additional Enforcement Remedies.....	48
ARTICLE X - PENALTIES	49
A. Written Notice	49
B. Revocation of Permit.....	49
C. Destruction of POTW	50
D. Legal Action.....	51
E. Injunctive Relief	52
F. Liability	53
G. Civil Penalties.....	54

TABLE OF CONTENTS

H. Criminal Prosecution55

I. Misrepresentation and/or Falsifying of Documents.....56

ARTICLE XI - VALIDITY.....57

A. Severability57

B. Conflict.....57

ARTICLE XII - ORDINANCE IN FORCE.....58

ARTICLE I - GENERAL PROVISIONS

A. Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the City of Shepherdsville 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).

The objectives of this ordinance are:

1. To prevent the introduction of pollutants into the municipal sanitary sewer system which will interfere with the operation of the system or contaminate the resulting biosolids;
2. To prevent the introduction of pollutants into the municipal sanitary sewer 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 promote the reuse, recycling and reclamation of wastewaters and sludges from the treatment system;
4. To provide for equitable distribution of the cost of operation, maintenance and replacement of the municipal sanitary sewer system;
5. To protect municipal personnel who may be affected by sewage, sludge and/or effluent in the course of their employment as well as protecting the general public; and,
6. To ensure that the municipality complies with its KPDES permit or non-discharging permit conditions, biosolids permit conditions, including use and disposal requirements, and any other federal or state environmental laws to which the municipal sanitary sewer system is subject.

This ordinance provides for the regulation of direct and indirect contribution to the municipal sanitary sewer 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. This ordinance also provides for the regulation of sanitary sewer extensions, lateral lines, manholes and connections.

This ordinance shall apply to all users of the Shepherdsville municipal wastewater system, including those users located outside the City who are, by permit, contract or agreement with the City, users of the sanitary sewer system. Except as otherwise provided herein, the Pretreatment Coordinator shall administer, implement and enforce the provisions of this ordinance. Any powers granted to or imposed upon the Pretreatment Coordinator may be delegated by the Pretreatment Coordinator to other qualified City personnel. By discharging wastewater into the municipal wastewater system, all users located outside the

City limits agree to comply with the terms and conditions established in this ordinance, as well as any permits, enforcement actions or orders issued hereunder.

B. Definitions

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

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, etal. seq.
2. Approval Authority. The Secretary of the Kentucky Natural Resources and Environmental Protection Cabinet or an authorized representative thereof.
3. Agency. Any governmental or quasi-governmental entity.
4. Authorized Representative. An authorized representative of a user may be: (1) a principal executive officer of at least the level of vice president, if the user is a corporation; (2) a general partner or proprietor if the user is a partnership or proprietorship, respectively; (3) a 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.
5. 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)).
6. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5. BMPs include, but are not limited to, treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
7. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° Celsius expressed in terms of weight and concentration in milligrams per liter (mg/l).
8. Building Drain. That part of the lowest horizontal piping of a drainage system which receives the discharge from inside the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
9. Building Sewer. The extension from the building drain to the public sewer or other place of disposal, also called "house connection" and/or "lateral line".
10. Building Sewer Permit. As set forth in "Building Sewers and Connections" (Article IV).
11. Bypass. The intentional diversion of wastestreams from any portion of a user's treatment facility.

12. Categorical Industrial User. An industrial user subject to categorical pretreatment standards which have been promulgated by EPA.
13. Categorical Pretreatment Standards. National Categorical Pretreatment Standards or Pretreatment Standards or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1347) which applies to a specific category of industrial users.
14. City. The City of Shepherdsville, Bullitt County, Kentucky, its City Council or Water and Sewer City, and/or their designee.
15. 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.
16. Combined Sewer. Any conduit designed to carry both sanitary sewage and storm water or surface water.
17. 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).
18. 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.
19. Concentration-based Limit. A limit based on the relative strength of a pollutant in a wastestream, usually expressed in mg/l.
20. Control Authority. The term "control authority" shall refer to the City, acting through the Pretreatment Coordinator and/or designee when there exists an approved Pretreatment Program.
21. Cooling Water. The water discharge from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
22. Daily Maximum. The maximum allowable value for any single sampling observation in a given day.
23. Dilute Wastestream. Boiler blowdown, sanitary wastewater, noncontact cooling water and certain process wastestreams that have been excluded from regulation in categorical pretreatment standards because they contain none or only trace amounts of the regulated pollutant.
24. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Kentucky.
25. Discharger. Any person that discharges or causes a discharge to a public sewer.
26. Domestic Wastewater. The water-carried wastes produced from non-commercial or non-industrial activities and which result from normal human living processes. Normal domestic wastewater shall be defined as wastewater having a BOD concentration of not more than 300 mg/l, a TSS

concentration of not more than 300 mg/l and an ammonia-nitrogen concentration of not more than 30 mg/l.

27. Easement. An acquired legal right for the specific use of land owned by others.
28. Effluent. The liquid overflow of any facility designed to treat, convey or retain wastewater.
29. 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.
30. Equipment. All movable, non-fixed items necessary to the wastewater treatment process.
31. Flow Proportional Composite Sample. Combination of individual samples proportional to the flow of the wastestream at the time of sampling.
32. Flow Weighted Averaging Formula (FWA). A procedure used to calculate alternative limits for a categorical pretreatment standard where regulated and nonregulated wastestreams combine after treatment, but prior to the monitoring point as defined in 40 CFR 403.
33. Garbage. The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
34. 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.
35. Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
36. Incompatible Pollutant. All pollutants other than compatible pollutants as defined in paragraph 17 of this article.
37. Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
38. 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.
39. Industrial User Permit (IUP). A permit issued to industrial users which authorizes discharges to the public sewer as set forth in the administration section of this Ordinance.
40. Industrial Wastes. The wastewater from industrial or commercial processes as distinct from domestic or sanitary wastes.
41. 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.

42. Interference. A discharge which, alone or in conjunction with a discharge or discharges from other sources:
- 1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and/or
 - 2) 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).
43. May. This is permissive (see "shall," paragraph 72).
44. Medical Waste. Isolation waste, infectious agents, human blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
45. Monthly Average. The maximum allowable value for the average of all observations obtained during one month.
46. 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.
47. 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 the prohibitive discharge limits established pursuant to 40 CFR 403.5.
48. National (or Kentucky) Pollutant Discharge Elimination System or NPDES/KPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1332), or a permit issued by the Commonwealth of Kentucky under this authority and referred to as KPDES.
49. Natural Outlet. Any outlet, including storm sewers, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
50. New Source. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to the source if the Standards are thereafter promulgated in accordance with that section, provided that:
- (A) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (B) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

- (C) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of (B) or (C) above but otherwise alters, replaces, or adds to existing process or production equipment.

51. 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)).
52. Ordinance. This ordinance, unless otherwise specified.
53. 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).
54. 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)).
55. 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.
56. pH. A measure of the acidity or alkalinity of a substance, expressed in standard units, and calculated as the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution.
57. pH Violation. For users that utilize a continuous pH monitoring system to determine compliance with the pH limitations established under this ordinance, a violation of the pH limitations will be deemed to have occurred when a continuous individual excursion from the range of pH limitations exceeds 15 minutes, provided that the total time during which the pH value was outside the required range of pH limitations does not exceed seven (7) hours and twenty-six (26) minutes in any calendar month. For users that do not utilize a continuous pH monitoring system to determine compliance with the pH limitations established under this ordinance, a violation of the pH limitations will be deemed to have occurred where a grab sample of the final effluent stream indicates that the pH of the wastewater sample was outside the pH limitation range established under this ordinance.
58. Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
59. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, medical waste, munitions, chemical, biological material, radioactive material, heat, wrecked or

discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

60. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
61. 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).
62. Pretreatment Coordinator. City personnel designated by the City to implement and enforce the City's approved Pretreatment Program or his/her designee.
63. Pretreatment Standards. Prohibited discharge standards, categorical standards and local limits.
64. 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.
65. 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.
66. Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
67. Properly Shredded Garbage. The wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.
68. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purpose of this ordinance, "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.
69. Public Sewer. A common sewer controlled by a governmental agency or public utility. In general, the public sewer shall include the main sewer in the street and the service branch to the curb or property line, or a main sewer on private property and the service branch to the extent of ownership by public authority. Nothing in this definition shall expand the City's current policy of maintenance of service branches.
70. Regulated Wastestream. An industrial process wastestream regulated by a National Categorical Pretreatment Standard.
71. Sanitary Sewer. A sewer that carries liquid and water-carried wastes from residences, commercial buildings industrial plants, and institutions.

72. 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.
73. Sewerage. Any and all facilities used for collecting, conveying, pumping, treating and disposing of wastewater.
74. 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.
75. Sewer System or Works. All facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and POTW.
76. Sewer. A pipe or conduit that carries wastewater or drainage water.
77. Shall. Is mandatory (see "may", paragraph 41).
78. Significant Industrial User (SIU). Defined 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 noncategorical user that (i) discharges 25,000 gallons per day or more of process wastewater ("process wastewater" excludes sanitary noncontact cooling, and boiler blowdown wastewaters) or (ii) contributes a process wastestream which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the treatment plant or (iii) 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 ordinance. The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met: (1) The Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements; (2) The Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and (3) the Industrial User never discharges any untreated concentrated process wastewater. Upon a finding that a User meeting the criteria in this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
79. Slug Discharge. Any discharge of a non-routine episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or any discharge of water or wastewater in which the concentration of any given constituent or quantity of flow exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration or flow rate during normal operation which adversely affects the POTW.
80. Slug Load. Any pollutant (including Biochemical Oxygen Demand) released in a discharge at a flow rate or concentration which will cause interference with the operation of the treatment works or which exceeds limits set forth in the Industry's Discharge Permit and which include accidental spills.

81. Spill Prevention and Control Plan. A plan prepared by an industrial user to minimize the likelihood of a spill and to expedite control and cleanup activities should a spill occur.
82. Split Sample. Portion of a collected sample given to the industry or to another agency to verify or compare laboratory results.
83. Standard Industrial Classification (SIC). Defined as set forth in "Standard Industrial Classification Manual", published by the Executive Office of the President and the Office of Management and Budget.
84. 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 Environment Federation and as set forth in 40 CFR 136.
85. State. Commonwealth of Kentucky.
86. Storm Drain (Also Termed "Storm Sewer"). A drain or sewer for conveying water, groundwater, surface water, or unpolluted water from any source.
87. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting there from.
88. Superintendent. The Superintendent of the Water and Sewer City of the City of Shepherdsville or his duly authorized deputy, agent, or representative.
89. 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 & Grease or Ammonia-nitrogen (NH₃-N) in concentrations which exceed limits specified herein for such pollutants. Where authorized by the City, payment of a surcharge will authorize the discharge of the referenced pollutants so long as the discharge does not cause pass through or interference.
90. 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".
91. Time Proportional Composite Sample. Combination of individual samples with fixed volumes taken at specific time intervals.
92. Toxic Organic Management Plan. Written plan submitted by industrial users as an alternative to TTO monitoring, which specifies the toxic organic compounds used, the method of disposal used and procedures for assuring that toxic organics do not routinely spill or leak into wastewater discharged to the POTW.
93. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of EPA under the provisions of the Clean Water Act 307(a) or any amendments thereto.

94. 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 benefited by discharge to the sanitary sewers and wastewater treatment facilities.
95. Unregulated Wastestream. A wastestream that is not regulated by National Categorical Pretreatment Standards.
96. User. Any person who contributes, causes or permits the contribution of wastewater into the POTW.
97. Wastewater. The liquid and water-carried wastes from residences, commercial buildings, industrial facilities, mobile sources, treatment facilities and institutions, whether treated or untreated, which are contributed into the POTW.
98. Wastewater Facilities. The structures, equipment, and processes required to collect, carry away, treat domestic and industrial wastes, and dispose of the effluent.
99. 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."
100. Watercourse. A natural or artificial channel for the passage of water either continuously or intermittently.
101. 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.

C. Abbreviations

The following abbreviations shall have the designated meaning:

ADMI	-	American Dye Manufacturers Institute
ASTM	-	American Society for Testing and Materials
BMP	-	Best Management Practices
BOD	-	Biochemical Oxygen Demand
BPJ	-	Best Professional Judgment
CFR	-	Code of Federal Regulations
CIU	-	Categorical Industrial User
COD	-	Chemical Oxygen Demand
CWA	-	Clean Water Act (33 USC 1251 et seq.)
CWF	-	Combined Wastestream Formula
EPA	-	Environmental Protection Agency
FWA	-	Flow Weighted Average
FR	-	<u>Federal Register</u>
GC	-	Gas Chromatography
GC/MS-	-	Gas Chromatography/Mass Spectroscopy
gpd	-	gallons per day
IU	-	Industrial User

IUP	-	Industrial User Permit
L	-	Liter
mg	-	Milligrams
mg/l	-	Milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
KPDES	-	Kentucky Pollutant Discharge Elimination System
O & M	-	Operations and Maintenance
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
S.U.	-	Standard Units
SWDA	-	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq. seq.
TSS	-	Total Suspended Solids
TOMP	-	Toxic Organics Management Plan
TTO	-	Total Toxic Organics
USC	-	United States Code

ARTICLE II - USE OF PUBLIC SEWERS

A. Mandatory Sewer Connections

1. 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 (are) hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within one hundred (100) feet of the property line.
2. 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 paragraph 1, except as provided for in "Private Wastewater Disposal" (Article III).
3. 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 sewer system within sixty (60) days in compliance with this ordinance, 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.

B. Previously Developed Areas and Undeveloped Areas

1. Properties located inside the 201 Planning Area are not required to be annexed into the City of Shepherdsville in order to receive sewer service. However, the Shepherdsville WWTP Superintendent and the City's Engineer shall review plans submitted by the applicant to determine potential impacts to the City's existing collection system as well as the most appropriate appurtenances needed to convey the discharge to the City's system before granting approval to accept the discharge. In addition, plans for sewer lines and other appurtenances necessary to convey the discharge to the point of connection to City service shall be made in accordance with Article IV of this ordinance and other appropriate written specifications, and approved by the WWTP Superintendent and City Engineer prior to construction. Installations shall be inspected in accordance with Article IV of this ordinance. All construction and maintenance costs associated with conveying the discharge to the point of connection with City service shall be borne by the property owner. Properties located outside the City limits which receive sewer service shall enter into an inter-jurisdictional agreement with the City before the service is connected. All properties considered for annexation shall have approved sewer lines in place or an enforceable commitment from the property owner to install such sewer lines on a schedule acceptable to the City.

C. Unlawful Discharge to Storm Sewers or Natural Outlets

1. 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 of Shepherdsville,

or in any area under the jurisdiction of said City of Shepherdsville except in compliance with the provisions of this ordinance.

2. It shall be unlawful to discharge to any natural outlet within the City of Shepherdsville or in any area under the jurisdiction of said City, any wastewater or other polluted waters, except where suitable treatment or management has been provided in accordance with subsequent provisions of this ordinance. No provision of this ordinance 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.

D. Compliance with Local, State, and Federal Laws

1. The discharge of any wastewater into the public sewer system by any person is unlawful except in compliance with the provisions of this ordinance, 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.

E. Discharge of Unpolluted Waters into Sewer

1. 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 WWTP Superintendent or his representative shall have the right, at any time, to inspect the inside or outside of buildings or smoke test for connections, leaks, or defects to building sewers and require disconnection or repair of any such pipes carrying such water to the building sewer. No sanitary drain sump or sump pump discharge by manual switchover of discharge connection shall have a dual use for removal of such water.
2. The owners of any building sewers having such connections, leaks, or defects shall bear all costs incidental to removal of such sources.

ARTICLE III - PRIVATE WASTEWATER DISPOSAL

A. Public Sewer Not Available

1. Where a public sanitary sewer is not available under the provisions of "Use of Public Sewer" (Article II), the building sewer shall be connected, until the public sewer is available, to a private wastewater disposal system complying with the provisions of the Washington County Health Department and all applicable local and state regulations.
2. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.
3. No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by applicable local or state regulations.
4. Holders of NPDES/KPDES Permits may be excepted. Industries with current NPDES/KPDES permits may discharge at permitted discharge points provided they are in compliance of the issuing authority.

B. Requirements for Installation

1. The type, capacity, location and layout of a private sewage disposal system shall comply with all local and State regulations.
2. A permit for private sewage disposal system shall not become effective until the installation is completed to the satisfaction of local and State authorities.
3. Design and installation for private sewage disposal system(s) and sanitary sewer lines shall be in accordance with the City of Shepherdsville's Design Manual.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

A. Permits

1. There shall be two (2) 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 Pretreatment Coordinator. Details regarding commercial and industrial permits include, but are not limited to those required by this ordinance. Permit and inspection fees shall be paid to the City at the time the application is filed.
2. Users shall promptly notify the City in advance of any introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the POTW. The Pretreatment Coordinator may deny or place conditions on the new introduction or change in discharge based on the information submitted in the notification or additional information as may be requested.
3. 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 WWTP Superintendent.
4. A permit and inspection fee for residential, commercial and industrial buildings shall be assessed by the City at the time the application is filed.
5. No building permit shall be issued by the City until all building sewer lines and connections have met all requirements of this Ordinance and the Superintendent has been provided with as-built plans and specifications. The City shall not accept any sewer lines and/or connections that fail smoke or other leak testing. The property owner and/or installer of any building sewers shall be responsible for repairing all leaks. A two (2)-year warranty will be required on all sewer installation, repair and/or maintenance. This warranty must be submitted to the WWTP Superintendent in writing within fifteen (15) days of completion of the work.

B. Prohibited Connections

1. 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 ordinance shall be completely and permanently disconnected within sixty (60) days of the effective date of this ordinance. 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. Connections shall be subject

to inspection by the WWTP Superintendent and/or his designee to verify compliance. Inspections may be performed periodically at the discretion of the WWTP Superintendent or at the time of connection/reconnection.

2. 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 (6) inches above the top of the lowest of the two adjacent public sanitary sewer manholes shall be connected by direct drainage to the building sanitary sewer. Building sanitary sewer connections in structures not meeting the criteria of this section will be permitted only if the property owner has:
 - a. Installed an individual pumping facility at the structure to receive the building sewage. The pumping facility shall include a discharge pipe with a high point which meets the criteria above; or,
 - b. Installed a minimum of two (2) sewer backflow stops or flaps at least twelve (12) inches apart of such nature and design to provide gravity flow to the sanitary sewer system and to prevent sewage backflow into the property improvement.

C. Design and Installation

1. 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.
2. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this ordinance. 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.
3. Extension of customer service lines from any point on the customer's side of the tap for delivery of waste from any location other than that of the customer in whose name the tap is registered shall not be permitted.
4. The building sewer shall be cast iron soil pipe, ASTM A-74, latest revision, PVC (polyvinyl-chloride) sewer pipe, ASTM C-700, latest revision, or ductile iron pipe, AWWA specification C-151 cement lined, and shall meet all requirements of the State plumbing code. Joints shall be as set out hereinafter. Any part of the building sewer that is located within five feet of a water service pipe shall be constructed with cast iron soil pipe or ductile iron pipe, unless the building sewer is at least one foot deeper in the ground than the water service line. Cast iron soil pipe or ductile iron pipe may be required by the City where the building sewer is exposed to damage or stoppage by tree roots. Cast iron soil pipe or ductile iron pipe shall be used in filled or unstable ground, in areas where the cover over the building

sewer is less than three feet, or in areas where the sewer is subject to vehicular or other external loads.

5. 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. Manholes may be required at all commercial and industrial connections to the Shepherdsville municipal sewer system. The owner of the facility shall be responsible for all costs associated with installation of the manhole(s). Specifications for manholes may be obtained by contacting the WWTP Superintendent.
6. All costs and expenses incidental to the installation and connection of the building sewer(s) shall be borne by the owner(s). The owner(s) shall indemnify the City for any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Fees for connection shall be as established by the City.
7. 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.
8. In all buildings in which any sanitary facility drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by an approved means and discharged to the same building sewer. Drain pipe and sump for collection of such sanitary drainage shall be above basement floor or in separately watertight or drained sump or channel and must be inspected and approved by the WWTP Superintendent prior to connection to the system.
9. The building sewer shall be connected into the public sewer at the easement or property line. Where no property located service branch is available, an authorized agent of the City shall cut a neat hole into the main line of the public sewer and a suitable wye or tee saddle installed to receive the building sewer. The invert of the building sewer at such point of connection with a saddle shall be in the upper quadrant of the main line of the public sewer. A neat workmanlike connection, not extending past the inner surface of the public sewer, shall be made and the saddle made secure and watertight by encasement in epoxy cement specially prepared for this purpose. A wye and H bend fitting shall be installed at the property line between the public sewer and the building sewer. This fitting shall serve the purpose of a cleanout and for applying the smoke test during inspection of the line. After testing, a cast iron or ductile iron riser will be inserted in this fitting and brought flush with the ground surface. A stopper or plug, outfitted with a type joint applicable to the pipe used, shall seal this riser against the intrusion of ground or surface water.
10. All building sanitary sewer lines will be installed so as to meet or exceed the most current revision of the State Plumbing Code. All design and installation of building sanitary sewer lines and facilities shall be in accordance with the City's Design Manual.
11. All persons working on City sewers with a cleaning rod must use an approved type rod in cleaning sewer connections to City sewers.

12. This section shall not affect sewers installed or approved in accordance with the provisions of the prior version of the City's sewer use ordinance, which was originally adopted on September 14, 1992.

D. Inspection

1. The applicant for the building sewer permit shall notify the WWTP Superintendent when the building sewer is ready for connection to the public sewer. The connection shall be made under the supervision of the WWTP Superintendent or his representative. The connections shall be made gastight and watertight and verified by proper testing.
2. All building sewers shall be air tested through the wye branch at the public sewer connection, with public sewer tightly plugged off, after connections at both ends are made and after all pipe is properly bedded and backfilled at least to top of pipe and if backfill is completed, within two weeks after completion of backfill. CCTV shall also be conducted in order to determine the presence of leaks. At time of test, any openings into the building drain inside the building shall be water trapped or plugged. Any leakage from building sewer or building drain and plumbing shall be located at test by CCTV and repaired to stand repetition of air testing without leakage. Tests shall be performed at the expense of the property owner in the presence of an independent inspector provided by the owner or developer. When testing is completed, the temporary flow line plug shall be removed and a permanent water tight plug shall be placed in branch of test wye-branch and carefully backfilled by hand and tamped to at least six inches above the top of the branch. All results of air testing and CCTV shall be submitted to the City of Shepherdsville prior to completion of sewer connection.

E. Performance/Warranty Surety

1. A Performance/Warranty Surety shall be sufficient to complete all construction items identified by the City Engineer or his designee on the punch list submitted with the certificate of substantial completion, and to repair infrastructure due to improper workmanship or defective materials during the warranty periods. The warranty period is the time period during which the developer guarantees the work to be free from defective materials or improper workmanship. The warranty periods for roads dedicated to the City shall be as follows:
 - a. For the base courses, the warranty period shall begin at the time of the substantial completion of the work and shall extend until the application of the final asphalt course. In no case shall the warranty period be less than one (1) year from completion of work.
 - b. For the final course of asphalt, the warranty period shall be one (1) year from the time of completion of the application of the final surface course.
 - c. For development projects that involve recording of a plat, the warranty period for sanitary sewer facilities shall be not less than three (3) years from the date of the plat recording. The warranty period for stormwater facilities shall be one (1) year from the date of plat recording.
 - d. For development projects that do not involve recording of a plat, the warranty period for sanitary sewer facilities shall be no less than three (3) years from the date of

substantial completion. The warranty period for stormwater facilities shall be one (1) year from the date of substantial completion of work.

2. The Surety shall be computed as follows:
 - i. 100% of the punch list items plus,
 - ii. 10% of the cost estimate of the completed project infrastructure, including roads, sanitary sewer facilities and stormwater facilities, plus,
 - iii. 20% of the sum of the above items to cover contingencies

The City Engineer shall compute the surety based on the quantities of materials and the unit costs determined.

3. Total Project Cost Estimate. The cost estimate of the total project infrastructure shall show the unit cost items and the actual quantities of construction for roads, sanitary sewer facilities and stormwater facilities. For the purpose of establishing the amount of the surety, the total project cost shall not include such items as site excavation, rock removal, trench rock for the sanitary sewer, testing of the sanitary sewers, turn lanes constructed on state right-of-way or other similar items.
4. Reduction in Surety for Projects that require Plat Recording. The Surety may be reduced in accordance with the following:

First reduction – The City of Shepherdsville will conduct an inspection thirty (30) days after the plat is recorded. At that time, the surety may be reduced by an amount equal to the punch list items that have been completed.

Second reduction – One (1) year after the plat is recorded, the surety may be reduced by an amount equal to the punch list items that have been completed and reduced by 10% of the total cost of the stormwater facilities.

Third reduction – Two (2) years after the plat is recorded, the surety may be reduced by an amount equal to the punch list items that have been completed. If the final surface course has been applied for at least one year, then the surety may also be reduced by an amount equal to 10% of the total cost of the final course of asphalt.

Fourth reduction – Three (3) years after the plat is recorded, the surety may be reduced by an amount equal to the punch list items that have been completed and reduced by 10% of the total cost of the sanitary sewer facilities. If the final surface course has been applied for at least one year, then the surety may also be reduced by an amount equal to 10% of the total cost of the final course of asphalt (if it has not been previously reduced).

5. Reduction in Surety for Projects that do not involve Plat Recording. The Surety may be reduced in accordance with the following:

First reduction – The City of Shepherdsville will conduct an inspection thirty (30) days after the date of substantial completion. At that time, the surety may be reduced by an amount equal to the punch list items that have been completed.

Second reduction – One (1) year after the date of substantial completion, the surety may be reduced by an amount equal to the punch list items that have been completed and reduced by 10% of the total cost of the stormwater facilities.

Third reduction – Two (2) years after the date of substantial completion, the surety may be reduced by an amount equal to the punch list items that have been completed. If the final surface course has been applied for at least one year, then the surety may also be reduced by an amount equal to 10% of the total cost of the final course of asphalt.

Fourth reduction – Three (3) years after the date of substantial completion, the surety may be reduced by an amount equal to the punch list items that have been completed and reduced by 10% of the total cost of the sanitary sewer facilities. If the final surface course has been applied for at least one year, then the surety may also be reduced by an amount equal to 10% of the total cost of the final course of asphalt (if it has not been previously reduced).

ARTICLE V - POLLUTANT DISCHARGE LIMITS

A. 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 Pretreatment Coordinator may set additional limitations or limitations more stringent than those established in the provisions below if in his opinion more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability of a discharge, the Pretreatment Coordinator 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.

B. Prohibited Discharges

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 to the receiving stream. These general prohibitions apply to all such users of the POTW whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements. A user shall not contribute the following substances to the POTW:

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 5.0 or higher than 10.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the POTW.
3. Any slug load of pollutants, including oxygen-demanding pollutants (BOD, etc.), released at a flow rate and/or concentration, either individually or by interaction with other pollutants, 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, (i.e. wood, glass, ashes, unshredded garbage, cinders, paper products such as cups, dishes, napkins, and milk containers, etc.).
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 non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
8. Any substance which will cause the POTW to violate its NPDES/KPDES Permit and/or sludge disposal system permit.
9. Any trucked or hauled pollutants except at discharge points designated by the Pretreatment Coordinator.
10. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Pretreatment Coordinator in compliance with applicable State and Federal regulations.

C. Restricted Discharges

A user shall not contribute the following substances to the POTW:

1. Wastewater containing more than 100 milligrams per liter (100 mg/l) of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.
2. Wastewater containing floatable oils, fat, or grease, whether emulsified or not, in excess of two (200) hundred milligrams per liter (200 mg/l) or containing substances which may solidify or become viscous at temperatures 32-150° (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. Paper and styrofoam products are prohibited from being discharged into the sanitary sewer system.
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. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, condensate, deionized water, noncontact cooling water and unpolluted industrial wastewater, unless specifically authorized by the Pretreatment Coordinator.

6. Any water or wastes which by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
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 an Industrial User Permit.
8. Any medical wastes, except as specifically authorized by the Pretreatment Coordinator in an Industrial User Permit, and an recognizable portions of human or animal anatomy.
9. Any wastes containing detergents, surface active agents or other substances which will cause excessive foaming in the municipal wastewater system.
10. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City in compliance with applicable State and/or Federal regulations.
11. 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.
12. 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 Pretreatment Coordinator. 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 Pretreatment Coordinator may prohibit or place conditions on the discharge(s) at any time.
13. 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:

<u>Parameter</u>	<u>Maximum Allowable Concentration Without Surcharges</u>
BOD	300 mg/l
COD	1000 mg/l
TSS	300 mg/l
NH3-N	30 mg/l
Oil & Grease (total)	200 mg/l

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 surcharge limit. Any other amenable constituents requiring the addition of specific chemicals for proper treatment will also be subject to surcharge as noted on the Industrial User Permit. Exceedance of the effluent limits specified above shall not be deemed to constitute a violation of a permit condition or this ordinance if the appropriated surcharge fee is paid and the discharge does not cause interference or pass through of the POTW.

13. The following discharge limitations are established for characteristics of any wastewaters to be discharged into the municipal sewer system subject to any compliance schedule as

established by the Pretreatment Coordinator. All significant industrial users must comply with these limitations where they are more stringent than applicable state and/or Federal regulations. In accordance with 40 CFR 403, these limitations are considered pretreatment standards equivalent to the Federal limitations established in 40 CFR Subchapter N.

<u>Parameter</u>	<u>Maximum Daily Concentration (mg/l)</u>
Arsenic	2.40
Cadmium	0.05
Chromium, Total	2.77
Chromium, Hexavalent	0.86
Copper	3.38
Cyanide, Amenable	0.60
Lead	0.69
Mercury	0.13
Molybdenum	0.92
Nickel	1.43
Selenium	0.51
Silver	0.93
Zinc	2.61

14. Any water or wastewater identified as causing, alone or in conjunction with other wastewater, the treatment plant's effluent to fail a Whole Effluent Toxicity (WET) test.
15. The City reserves the right to establish limitations and requirements which are more stringent than those required above or by State or Federal regulations if deemed necessary to comply with the objectives presented in Article I of this ordinance or the general and specific prohibitions in Article V, Sections B and C.
16. 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, 40 CFR 403, and 40 CFR Part 35. All users shall comply with the requirements of those regulations where applicable.
17. The Pretreatment Coordinator and/or his designee is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). In addition, the Pretreatment Coordinator may require the development of Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of this ordinance. Such BMPs shall be considered Local Limits and Pretreatment Standards.

D. 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.

E. Grease, Oil, and Sand Interceptors

Grease, oil, and sand interceptors shall be provided when, in the opinion of the WWTP Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptor shall not be required for private living quarters or dwelling units. All interceptors shall be of type and capacity approved by the Pretreatment Coordinator and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal. The City may require reporting of such information for their review. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by a currently licensed waste disposal firm. Interceptors shall also comply with applicable regulations of the Bullitt County Health Department.

F. Special Industrial Pretreatment Requirements

1. Pursuant to the requirements imposed on publicly owned wastewater treatment works by the Federal Water Pollution Control Act Amendments of 1972 and later amendments, all Pretreatment Standards promulgated by the U.S. Environmental Protection Agency for new and existing industrial dischargers to public sewer systems are hereby made a part of this ordinance. Any industrial waste discharge which violates these EPA Pretreatment Standards shall be in violation of this ordinance.
2. 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.
3. 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 Special Waste Hauler's Permit. Applications for permits shall be obtained from the Pretreatment Coordinator. All applicants for a Special Waste Hauler's 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, by acceptance of the permit, to abide by all applicable provisions of this ordinance, and any other special provisions that may be established by the City as necessary for the proper operation and maintenance of the sewerage system.

In addition, any person holding a valid permit and wishing to discharge to the wastewater treatment plant must submit to the WWTP Superintendent 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. The Pretreatment Coordinator may require proof of origin of the hauled waste and analysis of the sample prior to discharge.

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.

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 Article X including fines and imprisonment.

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 WWTP Superintendent and approved by the City.

Nothing in this ordinance shall relieve waste haulers of the responsibility for compliance with Bullitt County Health Department, State, or Federal Regulations.

G. Protection from Accidental and Slug Discharges

1. Each significant user shall provide protection from accidental and/or slug discharges of prohibited materials or other substances regulated by this ordinance which adversely affects the POTW. Facilities to prevent accidental and/or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. All Significant Industrial Users are required to notify the WWTP Superintendent immediately of any changes at its facility affecting the potential for a slug discharge. Once every two (2) years, the Pretreatment Coordinator will determine whether each industrial user needs to develop or update a plan to control slug discharges. If the Pretreatment Coordinator 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
- d. Prevention procedures for spills

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

2. Written Notice. Within five (5) days following an accidental discharge, the user shall submit to the Pretreatment Coordinator 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.
3. Notice to Employees. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

H. 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 ordinance.

I. City's Right of Revision

The City reserves the right, at the recommendation of the Pretreatment Coordinator, to establish by majority vote of its Council, more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this ordinance.

J. Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this ordinance.

ARTICLE VI - PRETREATMENT PROGRAM ADMINISTRATION

A. Wastewater Discharges

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the City in accordance with the provisions of this ordinance.

Any agency, nondomestic 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 inter-jurisdictional agreement, whereby the agency and/or industry agrees to be regulated by all provisions of this ordinance and State and Federal regulations. An Industrial User Permit may then be issued by the Pretreatment Coordinator in accordance with Section B of this article.

B. Industrial User Permits

1. General

All significant industrial users proposing to connect to or to contribute to the POTW shall obtain an Industrial User Permit before connecting to or contributing to the POTW. The WWTP Superintendent may require users to obtain an Industrial User Permit as necessary to carry out the purposes of this ordinance. Any violation of the terms and conditions of an Industrial User Permit shall be deemed a violation of this ordinance and shall subject the user to the sanctions set out in Articles IX and X of this ordinance.

2. Permit Application

Users required to obtain an Industrial User 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 ninety (90) days prior to connecting to or contributing to the POTW. Existing permit holders shall apply no later than thirty (30) 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:

- a. Name, address, and location if different from the address;
- b. Applicable SIC number(s) according to the Standard Industrial Classification Manual, United States Bureau of the Budget, 1987, as amended;
- c. Wastewater constituents and characteristics as determined by an analytical laboratory acceptable to the City; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR Part 136, as amended;
- d. Time and duration of contribution;
- e. Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variation if any;
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;

- g. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
- h. 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;
- i. If additional pretreatment will be required to meet the Pretreatment Standards, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

- 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 Pretreatment Coordinator 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.
- j. Each product produced by type, amount, process or processes, and the rate of production;
 - k. Type and amount of raw materials processed (average and maximum per day);
 - l. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
 - m. Any other information as may be deemed by the Pretreatment Coordinator to be necessary to evaluate the permit application.
 - n. A copy of the industry's written environmental control program, comparable document, or policy.

3. Permit Issuance

The City shall evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Pretreatment Coordinator or his designee may issue an Industrial User Permit subject to terms and

conditions provided herein. The WWTP Superintendent shall provide notice to each significant industrial user of the issuance of the user's Industrial User Permit. Any person, including the User, may petition the WWTP Superintendent to reconsider the terms of a permit within fifteen (15) days of notice of its issuance. The following conditions apply:

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the permit.
- (3) The effectiveness of the permit shall not be stayed during the appeal.
- (4) The WWTP Superintendent may forward the appeal to the Mayor. If the Mayor fails to act within thirty (30) days of receipt of the appeal, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.
- (5) Aggrieved parties seeking judicial review of the final administrative action and/or the permit must do so by filing a complaint with the Bullitt County Circuit Court in accordance with the appropriate procedures of that court and any statute of limitations.

C. Permit Modifications

The WWTP Superintendent may modify an Industrial User Permit for good cause, including, but not limited to, the following reasons:

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

D. Permit Conditions

Industrial User Permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the City. 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, 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 of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
10. Requirements for notification of slug discharges.
11. The permit may require the user to reimburse the City for all expenses related to monitoring, sampling and testing performed at the direction of the Pretreatment Coordinator 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 ordinance.
13. A statement that indicates the Industrial Wastewater Discharge Permit issuance date, expiration date and effective date;
14. A statement that the Industrial Wastewater Discharge Permit is nontransferable;
15. Requirements to control Slug Discharge, if determined by the Pretreatment Coordinator, to be necessary.
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.

E. Alternative Discharge Limits

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 Pretreatment Coordinator. 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 Article I.

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 Pretreatment Coordinator may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or of effluent concentration for purposes of calculating effluent permit limitations applicable to the permittee. The permittee shall be subject to all permit limits calculated in this manner under 40 CFR 403.6(c) and must fully comply with these alternative limits.

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 Pretreatment Coordinator thirty (30) days in advance of any major change in production levels that will affect the limits for the discharge permit.

F. Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) 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 Article V 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.

G. Permit Transfer

Industrial User Permits are issued to a specific user for a specific operation. An Industrial User 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 thirty (30) day prior notification to the Pretreatment Coordinator and provision of a copy of the existing permit to the new owner. The Pretreatment Coordinator may deny the transfer of the permit if it is deemed necessary.

H. Compliance Data Reporting

1. Within ninety (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 Pretreatment Coordinator, a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Categorical Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the user's facility which are limited by such Categorical Pretreatment Standards or Requirements. The report shall state whether the applicable Categorical Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional pretreatment and time schedule is necessary to bring the user into compliance with the applicable Categorical Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the user.
2. Where compliance schedules are required, the following conditions shall apply:

- A. 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);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule.

I. Periodic Compliance Reports

1. The Pretreatment Coordinator may require significant industrial users to submit at least once every six (6) months, unless required more frequently by the Industrial User Permit (or on dates specified in the Industrial User 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 Superintendent. In addition, the Pretreatment Coordinator may require the submittal on the report of a record of all daily flows. At the discretion of the Pretreatment Coordinator and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Pretreatment Coordinator 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 Article VI, Section Q of this ordinance.
2. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge. All analyses shall be performed by a laboratory acceptable to the City. 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 Section (a) and (b) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Superintendent. Where time-proportional composite sampling or grab sampling is authorized by the Superintendent, 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 Superintendent, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits. (a) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. (b) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40 CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Superintendent may authorize a lower minimum. For the reports required by 40 CFR 403.12(e) and (h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

3. 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.
4. A Baseline Monitoring Report (BMR) must be submitted to the Pretreatment Coordinator by all categorical industrial users at least ninety (90) days prior to initiation of discharge to the sanitary sewer. Submittal of the Permit Application required by the City shall also satisfy this requirement. The BMR or Permit Application must contain, at a minimum, the following:
 - a. Production Data: a process description, SIC code number, raw materials used, chemicals used, final product, pretreatment industrial category (if applicable), and a schematic which indicates points of discharge to the sewer system.
 - b. Identifying information to include name, address of facility, owner(s), contact person and any other permits held by the facility.
 - c. Wastewater characteristics: total plant flow, types of discharges, average and maximum flows from each process.
 - d. Nature/Concentration of pollutants: analytical results for all pollutants regulated by this ordinance and/or any applicable federal pretreatment standard and sample type and location. All analyses must conform with 40 CFR Part 136 and amendments thereto.
 - e. Information concerning any pretreatment equipment used to treat the facility's discharge.
 - f. Compliance certification. A statement, reviewed by the User's authorized representative as defined in Article I(B)(4) 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.
 - g. 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 Section I of this Article.

5. New sources shall give estimates of the information requested in sections (c) and (d) 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 ordinance. All new sources must be in compliance with all provisions of this ordinance, State and federal pretreatment regulations prior to commencement of discharge to the public sewer.
6. Compliance Schedule Progress Reports. The following conditions shall apply to all compliance schedules required by this ordinance:
 - a. 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.
 - b. No increment referred to above shall exceed nine (9) months;
 - c. The User shall submit a progress report to the Superintendent no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and in no event shall more than nine (9) months elapse between such progress reports to the Superintendent.
7. Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this chapter, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and documentation associated with Best Management Practices as may be required. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall automatically be extended for the duration of any litigation concerning the User or the city or where the User has been specifically notified of a longer retention by the Superintendent.
8. The Superintendent may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the US EPA or the state, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
 - a. Five thousand (5,000) gallons per day or 0.01 percent of the WWTP's dry-weather design hydraulic capacity, whichever is smaller, as measured by a continuous flow monitoring device unless the User discharges in batches;
 - b. 0.01 percent of the design dry-weather organic treatment capacity of the WWTP; and
 - c. 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in Accordance with Article V of this ordinance.

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance as defined in Article VI(O) of this ordinance. In addition, reduced

reporting is not available to an Industrial User with daily flow rates, production levels or pollutant levels that vary so significantly that, in the opinion of the Superintendent, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

J. Permit Violations

1. All significant industrial users must notify the Pretreatment Coordinator 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.
2. The user shall immediately repeat the sampling and analysis of the parameter(s) in question and submit the results to the Pretreatment Coordinator within thirty (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.
3. Compliance with the terms of an Industrial User Permit shall be deemed in compliance with the terms of this ordinance.

K. Monitoring

1. The City shall require significant industrial 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 Pretreatment Coordinator 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.

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

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

2. All sampling analyses done in accordance with approved federal EPA procedures by the industrial user during a reporting period, as required by the user's Industrial User Permit or by the City, shall be submitted to the Pretreatment Coordinator.
3. The industrial user must receive the approval of the Pretreatment Coordinator before changing the sampling point and/or monitoring facilities to be used in all required sampling.

L. Inspection and Sampling

1. The Pretreatment Coordinator shall inspect the facilities of any user to ascertain whether the purposes of this ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Pretreatment Coordinator or his 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.
2. The City, Approval Authority, and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City, Approval Authority and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

M. Pretreatment

All significant industrial users shall provide necessary wastewater treatment as required to comply with this ordinance 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 ordinance. Any facilities required to pretreat wastewater to a level required by this ordinance 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 Pretreatment Coordinator 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 ordinance. 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.

N. Annual Publication

The City shall annually publish in the largest 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 non-compliance with any Pretreatment Requirements or Standards. The notification shall also summarize any enforcement actions taken against the user(s) during the same twelve (12) months.

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 (3) years in accordance with 40 CFR 403.12 (O) (2).

O. Significant Non-Compliance

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

1. Causes imminent endangerment to human health or the environment or results in the exercise of emergency authority under 40 CFR 403 to halt or prevent such a discharge;
2. Involves failure to report noncompliance accurately;
3. Results in a chronic violation defined here as sixty-six percent (66%) or more of all measurements taken during a six (6) month period that exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
4. Results in a Technical Review Criteria (TRC) Violation defined here as thirty-three percent (33%) or more of all measurements for each pollutant parameter taken during a six (6) 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). For pH violations, see the definition in Article I, Section B.;
5. Any violation of a pretreatment effluent limit that the Pretreatment Coordinator determines has caused, alone or in combination with other discharges, interference or pass through or has endangered the health of the POTW personnel or the public;
6. Any discharge causing imminent endangerment to human health/welfare or to the environment or resulting in the Pretreatment Coordinator's use of his emergency authority to halt or prevent such a discharge;
7. Violations of Compliance Schedule Milestones, failure to comply with schedule milestones for starting or completing construction or attaining final compliance by ninety (90) days or more after the schedule date;
8. Failure to provide required reports within forty-five (45) days of the due date; or,
9. Any violation or group of violations, which may include a violation of Best Management Practices, which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program

P. Confidential Information

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.

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

Q. 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.

1. All permit applications shall be signed:
 - a. For a corporation: by a principal executive officer of at least the level of vice-president or plant manager;
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively;
2. 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:
 - a. The authorization is made in writing by a person described above;
 - b. 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.
3. Certification. 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."

A facility determined to be a Non-Significant Categorical Industrial User by the Superintendent pursuant to Article I of this ordinance 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 Superintendent:

"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 Article I(B) Definitions of this ordinance.

(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.

ARTICLE VII - FEES AND CHARGES

A. Purpose

This article provides for the recovery of costs from users of the POTW for the implementation of the program established herein.

B. Charges and Fees

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. a tap-on fee for sewer taps to include the cost of permits and inspections;
8. other fees as the City may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this ordinance and are separate from all other fees chargeable by the City.

ARTICLE VIII - POWERS AND AUTHORITY OF INSPECTORS

A. Right to Enter Premises

The Pretreatment Coordinator 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 ordinance.

B. Right to Obtain Information Regarding Discharge

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

C. 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 an 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 easement pertaining to the private property involved.

D. Safety

While performing the necessary work on private properties referred to in Section C above, all duly authorized employees of the City shall observe all safety rules applicable to the premises established by the property owner. The City shall secure the property owner against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the property owner and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the property owner to maintain safe conditions as required by this ordinance.

ARTICLE IX - ENFORCEMENT

A. General

The City, through the Pretreatment Coordinator or his designee, to insure compliance with this ordinance, 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 ordinance. The remedies available to the POTW include injunctive relief, administrative, 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 Pretreatment Coordinator or their designee.

The Pretreatment Coordinator may suspend the wastewater treatment service and/or an Industrial User Permit when such suspension is necessary, in the opinion of the Pretreatment Coordinator, 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 POTW to violate any condition of its NPDES/KPDES Permit.

Any user notified of a suspension of the wastewater treatment service and/or the Industrial User 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 and/or water service to prevent or minimize damage to the POTW system or endangerment to any individuals. The City may reinstate the Industrial User Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the City within fifteen (15) days of the date of occurrence.

B. Notice of Violation

Any user found to be violating any provisions of this ordinance, wastewater permit, or any order issued hereunder, shall be served by the City with written notice stating the nature of the violation(s). Within ten (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 Pretreatment Coordinator. 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.

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. Identification of significant non-compliance as defined in Article VI, Section O will require a formal enforcement action.

The full scale of enforcement actions will be as detailed in the City's Enforcement Response Plan.

C. Administrative Orders

Any user discharging in violation of this ordinance or other pretreatment standards or requirements or is determined to be a chronic or persistent violator or who is determined to be in significant noncompliance, shall be ordered to appear before the City. At said appearance, an Administrative Order may be given to the non-conforming user and an administrative fine assessed. The fine shall be determined on a case-by-case basis but consistent with the Enforcement Response Plan. The Pretreatment Coordinator 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.

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

1. Consent Orders

The Pretreatment Coordinator or his 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 Article IX, Section E below.

2. Compliance Orders

When the Pretreatment Coordinator or his designee finds that an industrial user has violated or continues to violate the ordinance or a permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional monitoring and best management practices.

3. Cease and Desist Orders

When the Pretreatment Coordinator finds that an industrial user has violated or continues to violate this ordinance or any permit or order issued hereunder, the Pretreatment Coordinator 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.

4. Show Cause Hearing

1. The Pretreatment Coordinator or his designee may issue to any user who causes or contributes to violations of this ordinance, 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 Pretreatment Coordinator 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 Pretreatment Coordinator,

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.

2. The City may itself conduct the hearing and take the evidence, or designate a representative to:
 - (a) 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;
 - (b) Take the evidence; and/or,
 - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the City for action thereon.
3. At any hearing held pursuant to this ordinance, testimony may be taken 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.
4. 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.

D. Administrative Penalties

Notwithstanding any other section of this ordinance, any user who is found to have violated any provision of this ordinance, or permits or orders issued hereunder, shall be fined in an amount not to exceed one thousand dollars (\$1,000) per violation per day. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the Pretreatment Coordinator shall have such other collection remedies as needed to collect other service charges. Unpaid charges, fines and penalties shall constitute a lien against the user's property. Users desiring to dispute such penalties must file a written request for the Mayor of the City to reconsider the penalty within ten (10) business days of being notified of the penalty. Where the Mayor believes an appeal has merit, he shall convene a hearing on the matter within fifteen (15) days of receiving the appeal from the user. The Mayor's final decision shall be binding.

E. Additional Enforcement Remedies

1. Performance Bonds

The Pretreatment Coordinator may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder unless such user first files with it a satisfactory bond, payable to the

POTW, in a sum not to exceed a value determined by the Pretreatment Coordinator to be necessary to achieve consistent compliance.

2. **Liability Insurance**

The Pretreatment Coordinator may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance 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.

F. Remedies Nonexclusive

The remedies provided for in this ordinance are not exclusive. The Superintendent may take any, all, or combination of these actions against a noncompliant User. Enforcement of pretreatment violations will be in accordance with the City's Enforcement Response Plan. However, the Superintendent may take any action described in this ordinance against any User when he determines that the circumstances warrant. Further the Superintendent is empowered to take more than one enforcement action against any noncompliant User.

ARTICLE X - PENALTIES

A. Written Notice

Any user found to be violating any provision of this Ordinance or a wastewater permit or order issued hereunder, shall be served by the Pretreatment Coordinator or his designee with written notice stating the nature of the violation. The offender shall permanently remedy all violations upon receipt of this notice.

As contained in Article IX, the notice may be of several forms. Also as contained in Article IX, penalties of various forms may be levied against users for violations of this ordinance. The penalties, if levied, shall range from publication of violators in the local newspaper to administrative penalties of up to \$1,000.00 per day per violation or criminal prosecution as outlined herein.

B. Revocation of Permit

Any user violating any of the provisions of this ordinance 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.

Any user who violates the following conditions of this ordinance, or applicable State and Federal Regulations, is subject to having his permit revoked in accordance with the procedures of this ordinance:

1. Failure of a user to factually report the wastewater constituents and characteristics of his discharge;
2. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics;
3. Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or,
4. Violation of conditions of the permit.

C. Destruction of POTW

No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment which is part of the POTW. Any person(s) violating this provision shall be subject to criminal prosecution for "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 ordinance, 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 in addition to pursuing any criminal remedies that may be available.

E. Injunctive Relief

Whenever a user has violated or continues to violate the provisions of this ordinance or permit or order issued hereunder, the Pretreatment Coordinator, 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 user.

F. Liability

Any user violating any of the provisions of this ordinance, discharge permit or other order issued hereunder shall become liable to the City for any expense, loss or damage occasioned by the City by reason of such violation. This civil liability is as provided by state and federal regulations.

G. Civil Penalties

1. Any user who has significantly violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the City for a civil penalty of not more than \$5,000.00 per violation per day plus actual damages incurred by the POTW 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 Pretreatment Coordinator 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 user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

H. Criminal Prosecution

1. Violations - General
 - a. Any user who willfully or negligently violates any provision of this ordinance or any orders or permits issued hereunder shall, upon conviction, be guilty of a Class A misdemeanor, punishable by a fine not to exceed \$1,000.00 per violation per day or imprisonment for not more than twelve (12) months. Each day in which such violation shall continue shall be deemed a separate offense.

- b. In the event of a second conviction, the user shall be guilty of a Class D felony and shall be punished by a fine in an amount not less than \$1,000.00 and not greater than \$10,000.00, or double his gain from City of the offense, whichever is greater or imprisonment not less than one (1) year nor more than five (5) years or both. Each day in which such violation shall continue shall be deemed a separate offense.
- c. The Pretreatment Coordinator or his designee shall have the authority to pursue criminal charges on behalf of the City in any court of competent jurisdiction in the Commonwealth of Kentucky.

I. Misrepresentation and/or Falsification of Documents

Any 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 ordinance, or Industrial User Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this ordinance shall be guilty of a Class A misdemeanor and shall, upon conviction, be punished by a fine not to exceed \$500.00 or by imprisonment for not more than twelve (12) months, or by both. Each day in which such violation shall continue shall be deemed as a separate offense.

ARTICLE XI - VALIDITY

A. Severability

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

B. Conflict

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

